

**SUFFOLK COUNTY LEGISLATURE
SPECIAL MEETING
SEVENTEENTH DAY
NOVEMBER 4, 2004**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAGUE, NEW YORK**

MINUTES TAKEN BY:
ALISON MAHONEY, COURT STENOGRAPHER

[THE MEETING WAS CALLED TO ORDER AT 11:10 A.M.]

P.O. CARACAPPA:

Good morning. Roll call, please.

MR. BARTON:

Good morning, Mr. Chairman.

(* Roll Called by Mr. Barton • Clerk *)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Here.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here, reporting for duty.

LEG. MYSTAL:

(Not Present).

LEG. BINDER:

Here.

LEG. MYSTAL:

Here, Henry.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

17.

P.O. CARACAPPA:

Thank you, everyone. Please rise for a salute to the flag led by Legislator Foley.

Salutation

Good morning. I recognize Legislator Montano for the purposes of introducing today's Clergy. Everyone please rise again, my apologies.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. I would like to introduce Reverend Roderick A. Pearson who is the Pastor of the Hope Missionary Baptist Church located in Central Islip. He is the President of the Islip Alliance of Ministers; a board member of the African•American Advisory Board, State University of New York; board member and Treasurer of the Urban League of Long Island and the Community Activist.

Reverend Pearson has served as Youth Director, Associate Minister of the Brownsville Community Baptist Church in Brooklyn, New York. He is a graduate of Fordham University where he obtained a Bachelor's Degree in Mathematics and Economics. During his tenure at Fordham he served on the Student Government as Vice•President of Student Affairs and also held the position of President of Malino, a black student organization. At Fordham, he made

great inroads towards addressing issues concerning the plights of African•American youth and he conducted various social awareness programs with such notables as Honorable State Senator Julian _Barn_, Honorable David Dinkins, ABC talk show host Gil Noble and Susan Taylor, just to name a few. In 1982 he received the prestigious Fordham University Dean of Students Award.

Reverend Pearson received his formal religious and bible training at the Brownsville Community Baptist Church Bible Institute, he graduated from the institute completing a four year in•depth study of the Old and New Testament. He is also a matriculated student at the New York School of the Bible in New York City. Reverend Pearson is an ordained Baptist preacher with a certificate in New Membership Counseling and Training. In addition, the duties he has held •• to the duties he has held, he currently holds various positions which include clergy council for the New York City Police Department's 73rd Precinct; Youth Coordinator for the Brownsville Oceanhill area and founder and chairman of United Christian Sports Association. He is also a gospel singer and in 1993 Reverend Pearson was a lead singer in the National Baptist Convention Choir.

Reverend Pearson is a counselor, administrator, teacher and preacher of God's word. His priority in life is to spread the gospel. He has dedicated his life to the corps of christ. His mission is to lead as many folks as possible out of spiritual, economic and political bondage. He believes that he can do all things through Christ who strengthens him. Reverend Pearson?

REVEREND PEARSON:

Thank you, Legislator Montano, and to this body of Legislative leaders. Second Timothy, Chapter 2 Versus 6 and 7 says, "Therefore, I remind you to stir up the gift of God which is in you through and laying on of hands, for God has not given us a spirit of fear but of power and of love and of sound mind."

Oh Lord, we thank you today for the gifts that are in this room. We ask, God, that you would touch us and that you, oh God, would stir up the many gifts, that we would work together for the collective good of your people and the County of Suffolk. We thank you and we honor you today, God, and we honor your leadership and your guidance and your spirit and we ask, Lord, that you stir us up together, that you make us one, that you help us to work together as one, whether we be Democrats or Republics, whether we be Independents or Conservatives or

Liberals, but that you bring us together for the common good of all the people. We pray, God, that you would remove from us the spirit of fear, that we would not fear change, that we would not fear our failure, that we would not fear working together. And certainly, God, that as a nation and as a County and as a country, we would not fear our enemies, that we would not fear terror nor those things which come to harm us, but that under your devine protection that we would be able to achieve our goals and work for the common good. We pray, God, that you empower us today, that you give us a spirit of love, love for one another, love for community and the people that we serve, love for working for the common good. We pray that you empower us to transform lives, to transform individuals, to transform families and, most of all, to transform communities. We pray that you give us a spirit of wisdom so that we make sound decisions that would help and enable the people of this County and this community.

God, we ask your blessings upon this Legislative body, upon our Legislative leaders, upon the President of our United States of America. We pray, oh God, that you would protect and continue to give him guidance and wisdom, as well as those, oh God, in our local community. Be with our troops that are in Iraq, watch over them and care for them and send them back home safely. And then, God, bless Suffolk County, bless this great County of ours, this great rich land of resources. Bless us today, give us love, give us wisdom and remove that fear and help us, Lord, to work together for the common good. God bless us, God bless America and God bless Suffolk County. In God's name we pray, amen.

P.O. CARACAPPA:

Thank you. Clerk, please read the meeting notice.

MR. BARTON:

Yes, Mr. Chairman. The date of today's meeting was set by resolution at the annual Organizational Meeting, agenda to be set by the Presiding Officer's notice. Dated November 1st, 2004, "To all County Legislators, Notice of a Special Meeting: Please be advised that a Special Meeting of the Suffolk County Legislature will be held on Thursday, November 4th, 2004, at 11 A.M. in the forenoon in the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building No. 20, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2•6B of the Suffolk County Administrative Code for the following purpose; a one hour public portion," followed by six items including the 2005 Operating Budget. The notice was properly distributed and filed and signed by the Presiding Office, Joseph T. Caracappa.

P.O. CARACAPPA:

Thank you very much. Good morning, everyone. Welcome. Before we get started, I would just like to congratulate •• I don't know if he's here, he will be here eventually •• the newest member of the Legislature, John Kennedy who won a special election last Tuesday. I also would like to congratulate his political opponent, Donna [Lent_ for running a spirited campaign in that 12th District race. Also, congratulations to all the political winners in Tuesday's election and for all who participated in the political process.

With that, I would like to move on to public portion. Keep in mind each speaker has three minutes, it is your time, it's not a question and answer period. The first speaker is Mardy Dipero.

MS. DI PIRRO:

Good morning. Thank you for this opportunity to speak to you again. I'm Mardy DiPirro and I am Associate Director of Peconic Community Council and we are one of the cofounders of the Concerned Communities for Alternatives to Incarceration.

I've asked Sandy to pass around to you copies of this map which tells an interesting story about the mandate being given to so many counties in the State of New York to build super jails, and included on the back of this map you'll find comments from the various counties who are facing the same problems and conflicts that we are here in Suffolk. There's a quote from James Caflisch of the County Legislature, a Republican from District 21 of Chataqua County saying, "I think it's unfortunate we've come to this whole process. I think the State of New York has put forth standards that don't take into account the County's ability to pay and the taxpayer's ability to foot the bill also. Also, there's a quote from Legislator Alvin Crowe of the County Legislature saying, "The reasons that some people are in there and I just can't bring myself to vote for that much money when I personally feel that a large percentage of those people don't have to be in the jail at this particular time. There are other alternatives." And another quote from Ulster County from Richard Parete, a Democrat of Boicevill, "It's a catastrophic failure of leadership, the public deserves better."

What we're asking for is your consideration of alternatives to incarceration which are supported in the County Executive's budget which also have a budget resolution from Legislator Alden that would allow us the opportunity to expand, opportunities for alternatives to incarceration to test

these systems and see how we can resolve the problems that we have without building this super jail. We ask for your support in that as you consider the budget today. Thank you.

P.O. CARACAPPA:

Thank you. Reverend Rose Ann Vita.

REVEREND VITA:

I ask that these be distributed while I'm speaking. Reverend Rose Ann Vita, Pastor of Incarnation Lutheran Church in Bridgehampton and President of LION, the Long Island Organizing Network which is one of cofounding organizations for Concerned Communities for Alternatives to Jail. Good morning.

I would just like to read to you from the paper that's being distributed. We are joined by the Hispanic Apostolate of the North Fork, Families of Prisoners Anonymous, Eastern Long Island NAACP, the League of Women Voters, the League of Voters of the Hamptons, FECS, Eastern Farm Workers, our own church, Incarnation Lutheran Church, the Quakers on the South Fork, the Montauk Community Church, St. Michael's Lutheran Church, East Hampton Methodist Church, First Baptist Church of Riverhead, PeaceSmiths, Suffolk Progressive vision, Eastern Long Island Peace and Justice and many other groups that are concerned and urging you to move monies towards incarceration to alternatives to prison.

The document that I'm giving is your very own document that comes to you from the Suffolk County Department of Probation that lists alternatives to prison and we would like to bring your attention to these documents. As well as the Eastern End Regional Intervention part which talks about other ways of mandating sentences for those non-violent drug offenders. For example, money should be directed towards drug and alcohol treatment facilities, mental health clinics, DWI alternatives to incarceration, supervised released job training programs, batterers programs, adolescence skills programs, community service programs. I bring your attention to your own documents, also to an article that appeared in the Detroit News on October 28th talking how the number of people in prison has decreased dramatically as they're being moved to alternative methods that help them learn skills to reintegrate back into the community instead of being returned back to jail for repeat offenders. Thank you for your time and your consideration.

P.O. CARACAPPA:

Thank you. Next speaker is Julie DeBold followed by Dale Moyer; Dale Moyer, you're on deck.

MS. DEBOLD:

Good morning. My name is Julie DeBold, I'm with the Long Island Farm Bureau. I will be reading comments that have been prepared by Joseph Gergela, our Executive Director. The reason Joe is not here this morning himself, for those of you who are friends of his, is because he took a spill yesterday and so he is in Central•Suffolk Hospital with four cracked vertebrae and a cracked rib. So that's why I am here today in his stead, but I will be reading his comments.

This is in regard to the resolution introduced by Legislators Vilorio•Fisher and Caracciolo amending the 2005 Recommended Operating Budget to allocate funding for the development and implementation of the Agricultural Stewardship Program. Long Island Farm Bureau supports this resolution which increases the funding for the development and implementation of the Suffolk County Agricultural Stewardship Program. As outlined by the Suffolk County Agricultural and Environmental Management Task Force for Nitrogen and Pesticide Reduction, this comprehensive Stewardship Program will maintain and strengthen farming in Suffolk County while improving the quality of our groundwater and surface waters. Whereas this funding initiative is a good start, in order for the program to be a success a long•term commitment of substantial funding will be required for a long•term measurable benefit to the environment to be achieved. Long Island Farm Bureau supports this funding resolution for the development and implementation of the Suffolk County Agricultural Stewardship Program and urges the Suffolk County Legislature and Suffolk County Executive to adopt same. Thank you.

P.O. CARACAPPA:

Thank you very much. Dale Moyer followed by Cheryl Felice,

MR. MOYER:

Thank you. I'm also here to talk about the resolution regarding the Suffolk County Agricultural Environmental Management Program. I am presently the Ag •• or I'm Director of Cornell Cooperative Extension and also have served on the Suffolk County Agricultural and Environmental Task Force.

I understand there's been some conversation with Legislator Fisher and the County Executive's

Office about moving this funding from Cooperative Extension to the Department of Energy •• Energy and Environment, and I am not sure what those exact details are, but I'm here to support the Agricultural and Environmental Program and funding. Cooperative Extension has been involved in Agricultural and Environmental Management activities for many years. These programs include research and education in integrated pest management, alternative pest management practices, nutrient management and clean sweep programs. We have made many strides, however a comprehensive agricultural stewardship program must be implemented to succeed in what we want to do with regarding environmental issues.

This resolution will provide funding for a full•time Agricultural Stewardship Coordinator; this position is critical to development and implementation of a comprehensive program. In addition to coordinating the research, education and technical aspects of the program, this individual will write grants to obtain State and Federal dollars. This will be key in developing a Comprehensive Environmental Management Program. A Comprehensive Agricultural Stewardship Program will promote the use of agricultural inputs such as pesticide and fertilizers in a responsible and environmental sound manner to protect our groundwater and surface waters. This will be done while maintaining a strong and viable agricultural and horticultural industries which generate over \$2 million annually to Suffolk County. Thank you for your time.

P.O. CARACAPPA:

Thank you, sir. Cheryl Felice followed by Maurice Mitchell.

MS. FELICE:

Good morning, Presiding Officer Caracappa and the rest of the Legislators. As the President of AME, over 7,000 workers in Suffolk County, we would like to thank you for supporting the initiatives in the Suffolk County proposed 2005 budget that enhanced AME's position with regards to positions of employees and initiatives that we feel will benefit this County and the residents we serve.

We also are very supportive of the fact that you have restored some of the abolished positions in the budget that needed to be restored and also created new positions that we addressed with you in our earlier testimony; namely the custodial positions, the maintenance mechanic positions, the desperately needed positions in DSS, and I see there's an additional proposal for more positions in DSS which I know there's been some dialogue on. We can't talk about that

enough, in fact, we will engage in more conversations about the needs of DSS and what our members are telling us. We have a request in to the County for a labor management meeting because there are desperate, desperate situations that simply must be addressed in Social Services.

We appreciate the fact that you restored the Tobacco Education and Control Program and want you to also know that AME sponsors free of charge our location at AME Headquarters in Bohemia every Monday nights Smoking Cessation Programs; we hold those meetings consistently and they're very, very widely used. We also sponsor the annual reunion for the smoking cessation graduates and for the program itself where we have over 100 people attend approximately quarterly at AME, again, free of charge.

In conclusion, I would also like to say thank you for calling upon in the spirit of labor management cooperation when you did ask that our trainer, Dan Sicilian, 2nd Vice President, come in and train your personnel for CPR and defibrillation training. I have with me today 27 certificates for those Legislators •• actually it was Legislator Losquadro •• and the various Legislative personnel who successfully completed that course. We have mentioned before that defibrillation legislation and putting those machines throughout the County is useless unless you have trainers; you have 27 more trained technicians in the County now because of your efforts. Thank you very much. Congratulations, Legislator Losquadro.

P.O. CARACAPPA:

Thank you, Cheryl. Maurice Mitchell?

MR. MITCHELL:

Good morning. I'm with the Long Island Progressive Coalition and I'm joined here with other organizations as concerned communities for alternatives to jail, and what we're asking for I think is pretty reasonable. What we would like to see is before the County moves forward with spending more than \$184 million, maybe more than \$200 million, on building a jail that we think is oversized and really over budget; before we go forward, why not look at the system? We're not suggesting that simply putting resources into the alternative programs that already exist or having other alternatives to incarceration programs, simply those •• those would be a one issue solution, we want to look at the whole system. And we understand that there are •• that there's a blue ribbon panel Correctional Facility Review and Oversight Committee that the

County Executive has assembled, but what we're concerned with is the fact that he's assembling the principals to sit down at the table and look at the criminal justice system but they're not attending. So on the 14th when you had the first meeting, the Police Commissioner wasn't there, the Commissioner of Public Works wasn't there, the County Attorney wasn't there, the District Attorney wasn't there, the Sheriff wasn't there, yet you're having this new panel that's supposed to look at these issues and bring the principals there. We feel that this is an important issue that deserves the attention of the people who are the decision makers in these organizations; the County Executive wasn't even there. It doesn't make sense for us to fast track such a large capital construction project without giving due diligence to looking at the system and instituting any reforms and alternatives that are necessary.

So we're simply asking for you to •• as Legislators to demand that the County Executive and all these other principals who should be at the table are at the table and are making the decisions that will •• in a way that addresses public safety, in a way that's been proven to reduce the population of the jail. Thank you.

P.O. CARACAPPA:

Thank you, sir. I have no other cards. I'll make a motion to close public portion.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Lindsay. All in favor? Opposed? Abstentions? Public portion is closed.

MR. BARTON:

17.

P.O. CARACAPPA:

Moving on to the agenda, there's a CN in front of you, Ladies and Gentlemen, let's get that out of the way right now.

CN 2083 (Tax Anticipation Note, Resolution No. 2004, a resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$295,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in

anticipation of the collection of taxes levied or to be levied for the fiscal year commencing January 1, 2005, and to prescribe the terms, form and contents and provide for the sale and credit enhancement of such notes.

LEG. CARACCILO:

Motion to approve.

P.O. CARACAPPA:

There's a motion to approve by Legislator Caracciolo, second by Legislator Carpenter.

LEG. ALDEN:

On the motion?

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

And I don't know who to address this, so I'm just going to throw it through the Chair and we might not get an answer on this right now, but I'd just like to find out what percentage of this is to cover taxes that are owed to the County and are in a delinquent state. I know there's about a \$100 million overhang.

P.O. CARACAPPA:

Budget Review, could you comment on that?

MR. SPERO:

Technically none of it, this is for taxes •• the anticipation of the collection of taxes for the first •
• the January payment which the County really doesn't get the cash until June. So technically none of it is for delinquent taxes, we have a separate Tax Anticipation Note which you just recently approved for delinquent taxes.

LEG. ALDEN:

Okay. Through the Chair, we don't need it today then because it's not relevant to this, but if

you can get us a report on what the costs are and that whole procedure on putting out notes where we actually are owed the money to delinquent taxes? Thanks, Jim.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

Thank you, Legislator Alden. Legislator Binder?

LEG. BINDER:

This is a higher number, I assume. Jim, this is a higher number than we figured on doing; Jim Spero? Hi, how you doing? This is a higher number than we thought we were going to do, this is higher than previous years I assume.

MR. SPERO:

Yes. As I pointed out in our Budget Review Report, while the County is enjoying nice surpluses in the General Fund, our cash surpluses aren't nearly as great. So I'm finding ourselves in the position of having to borrow more to meet our cashflow needs for the first six months of next year.

LEG. BINDER:

So did the Legislature in Omnibus do the responsible thing and put in enough to cover the increased costs that will be associated with this?

MR. SPERO:

Yes, that's included in the Omnibus, Resolution No. 2.

LEG. BINDER:

Just wanted to point that out. Thanks.

P.O. CARACAPPA:

Thank you, Legislator Binder. Anyone else on the DTAN? All in favor? Do we have to do a roll call? Roll call.

(* Roll Called by Mr. Barton • Clerk *)

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yep.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17 on the TAN.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

Moving on to ***Item No. 3, to consider and vote on Budget Amendments to the Mandated Portion of the Proposed 2005 County Operating Budget.*** There's a motion on Budget Amendment No. 1 by Legislator O'Leary, second by Legislator Foley. This is the mandated side. All in favor? Opposed? Abstentions? Legislator Caracciolo, we're voting on the mandated Omnibus?

LEG. CARACCILOLO:

I'm sorry, thank you, Mr. Chairman.

P.O. CARACAPPA:

You're welcome.

LEG. CARACCILO:

I will oppose.

MR. BARTON:

16 (Opposed: Legislator Caracciolo).

P.O. CARACAPPA:

Budget Amendment No. 1 is approved.

LEG. BINDER:

You're too good to him, Joe.

P.O. CARACAPPA:

I wanted to make sure everyone was paying attention.

Moving on to ***Budget Amendment No. 2 (To consider and vote on Budget Amendments to the Discretionary Portion of the Proposed 2005 County Operating Budget).***

LEG. TONNA:

Joe?

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

Yeah, I just wanted to make sure neither of these have anything •• have no part of the EMHP program presented in them, right?

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

The EMHP specific resolutions have been moved to stand•alones.

LEG. TONNA:

Okay. And where •• okay, they're around somewhere. So there's nothing in either of these resolutions, right? Okay, thank you.

P.O. CARACAPPA:

You're welcome.

LEG. BISHOP:

Mr. Chairman?

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

Thank you. I will offer an amendment to line E74, is that in order at this time?

P.O. CARACAPPA:

Yes, I'll entertain all motions to amend Omnibus 2.

LEG. FOLEY:

I will second the motion.

LEG. BISHOP:

The amendment •• and Budget Review can do the technical portion of it, but in substance it's that the \$50,000 that currently reads going to PSAP should be transferred to the Health Department, Office of Emergency Services, to establish a program of giving grants to PSAPs to comply with the REMSCO mandates; now, if you follow that you're very good.

P.O. CARACAPPA:

I believe they followed it because they are very good.

LEG. BISHOP:

They can follow it.

P.O. CARACAPPA:

Okay? There's a motion and a second to make that amendment to Budget Amendment No. 2.
All in favor? Opposed? Abstained?

MR. BARTON:

17.

P.O. CARACAPPA:

That is amended.

I'd like to make a motion myself, second by Legislator Bishop, to amend Budget Amendment No. 2 to reduce the amount of pay•as•you•go money included, whatever that amount may be, to reflect a 2% general fund property tax decrease.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

It's just reducing the pay•as•you•go total amount in Omnibus.

LEG. LINDSAY:

To balance it.

P.O. CARACAPPA:

To balance it at a 2% decrease, which is •• it's a small amount of money compared to the overall.

LEG. VILORIA•FISHER:

That's not in the RESOLVED, is it?

P.O. CARACAPPA:

No.

LEG. VILORIA•FISHER:

Okay.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. O'LEARY:

Mr. Chair?

MR. BARTON:

17.

P.O. CARACAPPA:

That amendment to Budget Amendment 2 is included. I recognize Legislator O'Leary.

LEG. O'LEARY:

Yes, Mr. Chairman. I would like to consider an amendment, make a motion to transfer the Security Guard titles that are in Public Works to the office that will have supervision over those particular titles and that's the Office of Economic Development.

P.O. CARACAPPA:

There's a motion by Legislator O'Leary ••

LEG. FOLEY:

Second.

P.O. CARACAPPA:

•• second by Legislator Foley to move to titles of Airport Security Guard and all others related from the Department of Public Works to ••

LEG. TONNA:

On the motion?

P.O. CARACAPPA:

•• Economic Development. On the motion, on the motion of the amendment, change of the amendment, Legislator Tonna.

LEG. TONNA:

Yeah, just with regard to that, going through the chair. Is that okay with the head of Economic Development?

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Is this something that they have advocated for?

LEG. O'LEARY:

It was at their request.

P.O. CARACAPPA:

It was their request, actually.

LEG. TONNA:

Okay, great. Thank you.

P.O. CARACAPPA:

There's a motion and a second on that. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

That amendment to Budget Amendment 2 is included and approved.

Any other amendments to Budget Amendment No. 2?

LEG. BISHOP:

Yes.

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

On D•90 which involves a Public Relations Personnel person, is to remove the item and leave that title in the Department of Economic Development and not in the Department of Probation as the printed document reflects.

P.O. CARACAPPA:

Right, so it's just returning it to where it originally was before.

LEG. BISHOP:

Right.

P.O. CARACAPPA:

You understand that motion, Budget Review? I'll second that. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

That amendment is included to Budget Amendment No. 2. Any other amendments to Budget Amendment No. 2 which is the discretionary side of the Operating Budget?

LEG. BISHOP:

I have two more, Mr. Chairman, but these may or may not pass.

P.O. CARACAPPA:

I love surprises, Legislator Bishop.

LEG. BISHOP:

They're no surprise but there's no agreement on them. On D•33, to separate it out and make it a stand•alone, that's with regard to the title classification of secretaries in the Legislature. Fails

for lack of a second?

LEG. CARPENTER:

You're right, it may not.

P.O. CARACAPPA:

Is there a second? It fails for ••

LEG. MYSTAL:

I'll second.

P.O. CARACAPPA:

Oh, second by Legislator Mystal. All in favor?

LEG. LOSQUADRO:

Opposed.

P.O. CARACAPPA:

Opposition?

LEG. O'LEARY:

Opposed.

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Opposed is Legislator Schneiderman, O'Leary ••

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Roll call it.

(* Roll Called by Mr. Barton • Clerk *)

LEG. BISHOP:

Yes.

LEG. MYSTAL:

No.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. NOWICK:

No.

LEG. BINDER:

No for Dave Bishop.

LEG. TONNA:

Pass for Dave Bishop.

LEG. COOPER:

No.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. TONNA:

No.

MR. BARTON:

Four (In Favor: Legislators Bishop, Caracciolo, Vilorio•Fisher & Lindsay).

P.O. CARACAPPA:

You're a good man, Dave Bishop.

LEG. MYSTAL:

You did your job.

LEG. BISHOP:

I have one more that may suffer a similar fate. D•88, line D•88, the amendment that I would propose would transfer the reduction in the Long Island Regional Housing Board •• Planning Board, Long Island Regional Planning Board, a \$50,000 item and move it to the Planning Department 456 sub account. The funds will only be expended if Nassau County matches these funds and will be used for the salary of an Executive Director of the Long Island Regional Planning Board.

LEG. FOLEY:

I'll second the motion.

P.O. CARACAPPA:

There's a motion to amend as proposed, seconded by Legislator Foley.

LEG. FOLEY:

Explanation; you want an explanation?

P.O. CARACAPPA:

I think it was explained.

LEG. TONNA:

On the motion. On the motion?

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

On the motion. Dave, where ••

LEG. BISHOP:

I'll yield to Legislator Foley, I think he has more information.

P.O. CARACAPPA:

Legislator Foley, there is an explanation wanted, if you wouldn't ••

LEG. TONNA:

No, just •• I have a specific question. The question is who advocated for this on the Long Island Regional Planning Board? I mean, does this meet ••

LEG. BISHOP:

It's my understanding that Nassau County and •• the Planning Board is being••

LEG. CARPENTER:

Regionalized.

LEG. BISHOP:

•• regionalized and reformed and Nassau County in their budget has a similar initiative which is to share the cost of the Executive Director's position; our budget at this time doesn't reflect that and this is an effort to identify funds to pay for the initiative.

LEG. TONNA:

Okay. So who on the Long Island Regional Planning Board advocated for this?

LEG. BISHOP:

I would assume the Executive, Mr. Koppelman.

LEG. TONNA:

Well, you assume. Nobody spoke to you and said, "Could you put this in?"

LEG. BISHOP:

No.

LEG. TONNA:

So where did you get •• where did you •• where did you get this little, like, thing that you said, "ZZZZ, we've got to do this." I mean, it's just something ••

LEG. BISHOP:

I was alerted to it by the County Executive staff that Nassau County had a similar measure and that it would be expected that we would at some point ••

LEG. TONNA:

Okay. Is there somebody from •• can we bring up somebody from the County Executive's staff? I just want to find out who is advocating for this on the Long Island Regional Planning Board; does anybody know?

P.O. CARACAPPA:

Is there anyone present from the County Executive's staff that can answer that question, quickly?

LEG. TONNA:

I just think it's a bad precedent to set when they have a Regional Planning Board and we have the most open government in the world to come and speak and, you know, we're shifting money around and we don't have anything on record that says that they're advocating for this.

P.O. CARACAPPA:

Good morning, Mr. Zwirn. If you could just ••

MR. ZWIRN:

Good morning, Mr. Presiding Officer.

P.O. CARACAPPA:

•• give a brief explanation, if you've heard ••

MR. ZWIRN:

Yes, I did.

LEG. TONNA:

Who on the Long Island Planning or on the Regional Planning Board asked for this?

MR. ZWIRN:

The Planning Board is getting revamped.

LEG. TONNA:

We know that.

MR. ZWIRN:

What this money would be used for would be to pay for a salary for the Executive Director.

LEG. TONNA:

Right, we got that.

MR. ZWIRN:

In the past there hasn't been a salary for the Executive Director.

LEG. TONNA:

Who on the Long Island Regional Planning Board advocated for this? In other words, does this come from the two County Executives getting together ••

MR. ZWIRN:

Yes, that's correct.

LEG. TONNA:

•• and this is how we want to do it, or has there been somebody on the Long Island Regional Planning Board saying, "We think this is a good idea"?

MR. ZWIRN:

Well, I can't go into •• I don't know the entire history of it, but it is coming from ••

LEG. TONNA:

Well, that's ••

MR. ZWIRN:

But it is coming from both County Executives.

LEG. TONNA:

Okay. But don't you think it would be an important piece just to be able to say •• I mean, did anybody contact the Long Island Regional Planning Board and say this is what we're intending to do, create an Executive Director position, give them \$100,000 I guess, right, 50,000 each?

P.O. CARACAPPA:

Fifty a piece.

LEG. BISHOP:

I think that includes the benefits.

LEG. TONNA:

All right. So, I mean, you know, we all know members of that committee. I just •• my fear and concern is that we already know that things were going on in the Long Island Regional Planning Board before, unbeknownst to us, when we're voting on dollars; yes, that has been our recent history? And I just think that when we're making budget amendments we should have, you know, on the record and a history of saying where are these things coming from.

LEG. FOLEY:

Mr. Chairman?

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Tonna has the floor.

LEG. TONNA:

Okay, I don't have an answer yet and I'm going to vote no until I have an answer.

LEG. FOLEY:

Just to address Legislator Tonna's concerns?

P.O. CARACAPPA:

I recognize Legislator Foley then Binder.

LEG. FOLEY:

Thank you, Mr. Chairman. The amendment proposed by Legislator Bishop transfers the money from the Planning Board to the Planning Department. In order for it to later be utilized by the

Planning Commission for an Executive Director position to pay for it, there has to be a Legislative resolution that we have to approve in order to transfer it back to the commission.

P.O. CARACAPPA:

Eventually.

LEG. FOLEY:

Eventually. So that gives us the oversight so the concerns and the very good concerns that Legislator Tonna raises are being addressed by the transparency of the amendment, it transfers the money out of the commission into the Planning Department. If and when Nassau ponies up its 50% of the salary for that position, then we would have a resolution before us to then transfer the monies ••

LEG. TONNA:

Appropriate that money?

LEG. FOLEY:

Appropriate and transfer it to the commission.

P.O. CARACAPPA:

We'd have to transfer it to the committee.

LEG. FOLEY:

That gives us the oversight and the transparency to safeguard in the way that you're concerned about, Legislator Tonna.

LEG. TONNA:

Okay. Legal Counsel, that's your understanding, it's got to come in front of the Legislature?

MS. KNAPP:

In order to transfer it out of 456 account in Planning?

LEG. FOLEY:

From the Planning Department to the Planning Commission next year.

MR. ZWIRN:

That was our understanding after consultation even with Budget Review, with Jim Spero today, it would have to come back by resolution, Legislator Foley's description is accurate.

LEG. TONNA:

Well, that's why I ask our Legal Counsel.

MS. KNAPP:

There are rules about 10% can be transferred without the Legislature, but I assume Jim knows the numbers here and if he concurs then I will defer to him.

LEG. TONNA:

Okay. Jim?

LEG. FOLEY:

And I think the County Executive is going to have a resolution on this anyway.

MR. SPERO:

The 10% requirement is what the County Executive can transfer internally within the department.

LEG. TONNA:

Uh•huh; 10% of what?

MR. SPERO:

Ten percent of the budget.

LEG. TONNA:

Right, so that's ••

LEG. FOLEY:

That's within a department, this is going to a different department.

LEG. TONNA:

Fifty thousand dollars is under 10%, if I'm not mistaken.

LEG. FOLEY:

Yeah, but it's not staying within the same department, it's being transferred out of the department.

LEG. TONNA:

Jim, you said that they'd have to •• it's mandated to come back to us? Look, we know that the County Executive likes to do things unilaterally, okay, you know and, I don't know, I'm not saying that's right or wrong. All I'm asking for is I think Legislator Foley is under the impression, and I believe him, but I want to know that that's actually, you know, what our bureaucratic experts say who deal with this; is it ••

LEG. BISHOP:

Vote against it, let's go.

LEG. FOLEY:

Well, no, no.

LEG. TONNA:

No, no, not just vote against it.

LEG. FOLEY:

He's asking a good question.

LEG. TONNA:

We want to make sure that all Legislators know it. This is not like in the past with the Long Island Regional Planning Board where we just say, "Oh, let's get it done, let's just get it done and then find out that there's somebody on it who none of us knew about.

LEG. FOLEY:

Mr. Chairman?

LEG. BISHOP:

You're yelling.

LEG. TONNA:

Yeah, I want to ask the question.

LEG. BISHOP:

So do you know •• who works at the Long Island Regional Planning Board?

P.O. CARACAPPA:

Hold on, Legislator Bishop.

LEG. TONNA:

I have •• I know Roger Tillis.

LEG. BISHOP:

So then what's your point?

LEG. TONNA:

I know Roger Tillis, he's never called me about it.

LEG. BISHOP:

You know Roger Tillis; of course you know Roger Tillis.

P.O. CARACAPPA:

Legislator Tonna, you want to finish up your comments?

LEG. TONNA:

Yeah, I'm asking •• I have a question. Jim?

MR. SPERO:

The money is transferred to the Planning Department, it can't be moved back to the Regional Planning Board appropriation without a resolution.

LEG. FOLEY:

Thank you.

LEG. TONNA:

Okay. So I would ask my colleagues then just to prepare the County Executive, when they bring a resolution over that we actually have the opinion of the Long Island Regional Planning Board and to find out who's advocating or whatever else just to get a full breadth and depth of what we're doing when we give the money and appropriate it.

MR. ZWIRN:

Duly noted.

LEG. TONNA:

Thank you.

P.O. CARACAPPA:

Thank you, Mr. Zwirn. I have a list; Legislator Binder?

LEG. BINDER:

Yeah, along those lines, I mean, I would support this but my concern is that we can do this in January, February; the County Executive can come up with a Budget Amendment in January, we can do it in February. The thing is it can be done and we can do it where Legislator Tonna I think is correct, in being concerned about what the Long Island Regional Planning Board is saying about it, we'd have plenty of time between now and January to find that out and the County Executive can give us •• so either way there's a resolution coming. So whether we do this today or not I don't think is going to impact whether we can actually effectuate this if we want it as a Legislature.

P.O. CARACAPPA:

Thank you. Legislator Losquadro?

LEG. LOSQUADRO:

Yes, I would just like to point out, there's talk of the Planning Board being overhauled or redone, no action has been taken on that yet. We scheduled two public sessions, one in Nassau County, one here in Suffolk County on the 10th and the 18th of this month where discussions will be held, the public will have a chance to comment. There are a number of concerns about the proposals that have been made for the •• I don't remember the exact term you used but the changes to the Planning Board, I know there are a number of concerns in Nassau County as

well as here in Suffolk County. So this is by no means something that is a done deal.

So yes, there will be changes, I think everyone agrees there needs to be some measure of change. But as has been pointed out, this can be done, you know, by resolution, it's going to have to be done by resolution even if this was passed today. So I think it would be better done at a future date by resolution by the County Executive. Once those discussions have been made, they've been done in a public forum as we intend in Nassau County and here in Suffolk and we decide what changes are most appropriate that is still in the committee that I chair right now. So I'm not going to be supporting this today. Thank you.

P.O. CARACAPPA:

Legislator Schneiderman than Carpenter.

LEG. SCHNEIDERMAN:

It certainly sounds good to strengthen the Long Island Regional Planning Board, I think there's some fundamental questions. In the past we've had a director, it hasn't been a paid position, now we're creating a paid position; it sounds like \$100,000 salary. I think it's important to know how the director will be chosen; will it be up to this Legislature, the Nassau County Legislature, how will that decision be made? We're creating a planning czar, so to speak, and it's important that we have as much public input on that selection as possible. We also need to know not only how they're chosen but who will they report to, I think that's important. So I think it's a little premature as we talk about planning there, I think there needs to be a little bit more planning before we get to the level of funding this position.

P.O. CARACAPPA:

Thank you. Legislator Carpenter.

LEG. CARPENTER:

Jim, the way the budget reads now, if this budget amendment change that's proposed by Legislator Bishop does not pass, could •• would that money then just be available to the Long Island Regional Planning Board without coming to this Legislative body?

MR. SPERO:

As it's currently drafted, it would remove the \$50,000 from the budget.

LEG. CARPENTER:

So ••

MR. SPERO:

The amendment would retain the funding in the budget placing it in the Planning Department.

LEG. CARPENTER:

So if the amendment doesn't pass to put it in the Planning Department, that budget line for the Regional Planning Board has \$50,000 more that would go directly to the Regional Planning Board, yes?

MR. SPERO:

Fifty thousand less, it would take out the 50,000.

LEG. FOLEY:

The Omnibus deletes it.

LEG. CARPENTER:

Omnibus deletes it, but how much is the Regional Planning Board getting?

MR. SPERO:

As it's currently ••

LEG. CARPENTER:

As it's currently proposed.

MR. SPERO:

One hundred and eighty•five thousand for 2005, at this point.

LEG. CARPENTER:

One hundred and eighty•five thousand going directly to the Regional Planning Board.

MR. SPERO:

That's correct.

LEG. CARPENTER:

Correct. And when they •• if this budget amendment doesn't pass, they have at their disposal \$185,000; does that have to come to this Legislative body when they want to spend 80,000 of it, 30,000 of it, 20,000 of it?

MR. SPERO:

No, it doesn't come back again.

LEG. CARPENTER:

Okay. So it seems to me that based on the concerns that are being raised here that we should perhaps be considering putting all of the money in the Planning Department so that if these changes that are being proposed do go forward then it would have to come back to this body so that it was something that we were comfortable and supportive of before the money was expended. Does anyone understand what I'm trying to get at here?

P.O. CARACAPPA:

Yes, I understand; this \$50,000 is directly for the salary.

LEG. CARPENTER:

No, I understand that.

P.O. CARACAPPA:

And I understand what you're saying, that if they ••

LEG. CARPENTER:

So now, the way it stands now, absent the 50,000, 135 goes to the Regional Planning Board which will be \$35,000 more than they got last year; is that correct, Jim?

MR. SPERO:

They got 150 in '04, 150,000, 50,000 of which was added by the Legislature during the adoption process last year.

LEG. CARPENTER:

Right.

MR. SPERO:

The County Executive proposed 185,000 for 2004. So if this •• if Legislator Bishop's amendment fails, the Regional Planning Board will be back to 135,000 for 2005.

LEG. CARPENTER:

With the possibility of getting the 50,000 for that shared position, if everyone agrees that that is something that we want to do, once they come back for resolution, it's just moving that money aside to the Planning Department so that they can come back and make the request for it. But my point is if there are concerns about the Long Island Regional Planning Board and the direction they're taking and if there are proposals to be changing the format of it, that perhaps we should be putting all the funding in the Planning Department and not just the 50,000 that is earmarked for half the Executive Director's position.

P.O. CARACAPPA:

Thank you. There's a motion and a second. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. BISHOP:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

No.

LEG. LINDSAY:

(Not present).

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. NOWICK:

No.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Abstain.

LEG. BISHOP:

I have no further amendments.

LEG. LINDSAY:

Just a second, just pass for a second.

P.O. CARACAPPA:

You passed already.

LEG. LINDSAY:

Yes.

MR. BARTON:

Eight.

P.O. CARACAPPA:

That amendment to the amendment fails.

LEG. CARPENTER:

I'd like to propose a budget amendment to that same line item that we were discussing, 88, the Regional Planning Board money, the ••

P.O. CARACAPPA:

This is D088.

LEG. CARPENTER:

Correct.

P.O. CARACAPPA:

Fifty thousand dollars.

LEG. CARPENTER:

That the 2005 recommended amount of \$185,000 for the Regional Planning Board be moved over to the Planning Department so that the hearings that have been scheduled can go forward

and whatever recommendations or changes that are going to be considered, that they can be done so with full transparency and disclosure and we know how the money is being spent and then the Planning Department will come to this body to appropriate that money.

P.O. CARACAPPA:

I think the motion might be out of order because I think D•088 only deals with the \$50,000.

MR. SPERO:

Yeah, at this point the amount available for the Planning Board will be \$135,000.

LEG. CARPENTER:

Okay, so then I'll alter that to reflect the \$135,000 to move that to the Planning Department.

P.O. CARACAPPA:

Is that a valid motion, Budget Review?

MR. SPERO:

Yes, it is.

P.O. CARACAPPA:

Okay. Is there a second?

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Roll call.

(* Roll Called by Mr. Barton • Clerk *)

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCILO:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. NOWICK:

Pass.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

No.

P.O. CARACAPPA:

No.

LEG. NOWICK:

No.

MR. BARTON:

Four.

P.O. CARACAPPA:

That amendment fails.

Any other amendments to Budget Amendment 2? There's a motion and a second to approve.
All in favor? Opposed? Abstentions?

LEG. CARACCILO:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Caracciolo.

MR. BARTON:

16 (Opposed: Legislator Caracciolo).

P.O. CARACAPPA:

Budget Amendment 2 is passed as amended.

Moving on, ***Budget Amendment No. 3 (Deletes \$117,404 Campaign Finance Board to eliminate duplication. Resolution 668•2004 transferred responsibility for campaign finance reporting to the Suffolk County Board of Elections).*** Motion by Legislator Binder, second by Legislator Foley.

LEG. FOLEY:

Lindsay.

P.O. CARACAPPA:

Lindsay rather. All in favor? Opposed?

LEG. COOPER:

Opposed.

P.O. CARACAPPA:

Abstentions? One opposition, Legislator Cooper.

MR. BARTON:

16 (Opposed: Legislator Cooper).

P.O. CARACAPPA:

Budget Amendment No. 4 (Reduces fees for services in the Police Department by \$203,931 and continues the policy of using uniformed police officers for DARE Program). Motion by Legislator Lindsay, second by Legislator O'Leary.

LEG. TONNA:

Isn't that •• isn't that knocked out?

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

I thought Budget Amendment 4 was •• it's already done.

LEG. BISHOP:

No.

LEG. TONNA:

Isn't it 18, it says what's •• oh, okay.

P.O. CARACAPPA:

It conflicts with number 18.

LEG. TONNA:

Okay, sorry.

P.O. CARACAPPA:

This is •• okay.

LEG. BISHOP:

It reaffirms our commitment to the DARE Program.

P.O. CARACAPPA:

Right, reaffirms our commitment to the DARE Program. There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. TONNA:

Um •• wait, I'm an abstention.

P.O. CARACAPPA:

There's an um Legislator Tonna; abstention by Legislator Tonna.

MR. BARTON:

16, 1 abstention (Abstention: Legislator Tonna).

P.O. CARACAPPA:

No. 4 is approved.

No. 5 (Transfers \$1,000 from Marine supplies to overtime in the Sheriff's Office to more appropriately fund the Sheriff's marine patrol boat through the use of available forfeiture funds.)

LEG. BISHOP:

Motion.

P.O. CARACAPPA:

There's a motion by Legislator Bishop.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorina • Fisher. All in favor?

LEG. CARPENTER:

Roll call.

P.O. CARACAPPA:

Roll call.

(* Roll Called by Mr. Barton • Clerk *)

LEG. BISHOP:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

I need a recess, Mr. Chairman, five minutes?

LEG. TONNA:

We're in a middle of roll call.

P.O. CARACAPPA:

I don't think we call a recess in the middle of a roll call.

LEG. BISHOP:

Can you? I believe you can.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARPENTER:

No.

LEG. BISHOP:

Motion to table.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

There's a motion to table Budget Amendment No. 5 for ten minutes, second •• by Legislator Bishop, second by Legislator Alden. All in favor? Opposed? Abstentions? Budget Amendment No. 5 is tabled for, what did I say, ten minutes or five minutes?

MR. BARTON:

You said ten.

P.O. CARACAPPA:

Ten minutes? And I'm going to call •• we did ten minutes, so I'll make it an eight minute recess.

LEG. BISHOP:

Yeah, I think it will take two minutes.

[THE MEETING WAS RECESSED AT 12:02 P.M.]

[THE MEETING WAS RECONVENED AT 12:08 P.M.]

P.O. CARACAPPA:

Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARACCILO:

(Not Present).

LEG. SCHNEIDERMAN:

(Not Present).

LEG. O'LEARY:

Here.

LEG. CARPENTER:

Come on, this is crazy. Is he calling a roll call or the vote?

MR. BARTON:

I follow the chair.

P.O. CARACAPPA:

I called for a roll call.

LEG. CARPENTER:

Oh, roll call.

(*Roll Call Continued by Mr. Barton • Clerk*)

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Still here.

LEG. O'LEARY:

Henry, present.

MR. BARTON:

Thank you, Mr. O'Leary.

MR. BARTON:

17 present, Mr. Chairman.

P.O. CARACAPPA:

Thank you, Mr. Clerk. Going back to Budget Amendment No. 5 which was previously tabled, there's a motion by Legislator Bishop, second by Legislator Foley. Roll call.

LEG. BINDER:

This is on approval again?

P.O. CARACAPPA:

Yes.

(* Roll Called by Mr. Barton • Clerk *)

LEG. BISHOP:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILO:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

No.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Pass.

LEG. NOWICK:

Pass.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes to this? No. I said no before, I say no now, what's the difference?

LEG. COOPER:

Yes.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Bishop woodshed.

LEG. ALDEN:

For Dave Bishop? Yes.

LEG. BISHOP:

Process.

LEG. NOWICK:

No.

LEG. TONNA:

What, is everybody's kneecap hurting?

MR. BARTON:

10.

P.O. CARACAPPA:

Budget Amendment No. 5 passes.

Amendment No. 6 (Transfers \$1,000 from overtime to holiday pay in the Sheriff's Office to more appropriately fund the Sheriff's marine patrol boat through the use of available forfeiture funds.)

LEG. O'LEARY:

Through the Chair?

P.O. CARACAPPA:

There's a motion by Legislator O'Leary. On the motion, Legislator O'Leary.

LEG. O'LEARY:

Yes, Mr. Chair, I would like to make an amendment to Budget Amendment 6, it involves the fourth RESOLVED clause. I wish to change the language of the fourth RESOLVED clause to the following; RESOLVED, that the three preceding RESOLVED clauses shall take effect only in the event that the TSA or any Federal or State agency having jurisdiction over the security of the pertinent airport issues an approval of a security plan that is consistent with the TSA or such other agency's requirements, recommendations and guidelines for airport security."

LEG. FOLEY:

I'll second that.

LEG. BINDER:

Second.

P.O. CARACAPPA:

There's a motion and a second to amend Budget Amendment No. 6, so this motion is to amend. All in favor? Opposed? Abstentions?

Budget 6 is amended.

MR. BARTON:

17.

P.O. CARACAPPA:

Motion to approve No. 6 as amended by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. CARACAPPA:

One abstention, Legislator Alden.

MR. BARTON:

16, one abstention .

LEG. CARPENTER:

Abstain.

P.O. CARACAPPA:

And Carpenter.

MR. BARTON:

15, two abstentions (Abstentions: Legislators Alden & Carpenter).

P.O. CARACAPPA:

No. 7 (Transfers \$1.279 million from DPW to Sheriff's Office for the purchase of vehicles). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor?
Opposed?

(* Opposed said in unison*)

P.O. CARACAPPA:

Roll call.

LEG. VILORIA•FISHER:

On the motion?

P.O. CARACAPPA:

On the motion, Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

I don't know of any other departments that would purchase their own vehicles; is this •• Mr. Spero, is this typical or is this an exception?

MR. SPERO:

DPW purchases all vehicles for all County agencies, this would carve out an exception for the Sheriff's Department to allow him to purchase the vehicles himself.

LEG. TONNA:

Why?

LEG. CARPENTER:

On the motion.

LEG. VILORIA • FISHER:

And the question would be what would the advantage be in having the Sheriff's Office be the only department that's carved out of this practice?

MR. SPERO:

Well, the advantage for the Sheriff is that he can submit purchase orders to buy the particular vehicles he wishes to purchase.

LEG. VILORIA • FISHER:

But doesn't the Sheriff's Office make the request of what they need in their budget proposals; don't they outline their needs within the budget process?

LEG. TONNA:

No.

MR. SPERO:

They do but through the budgetary process that may get shifted somewhat, this will give the Sheriff the discretion to purchase what he would like.

LEG. VILORIA • FISHER:

Well, it certainly doesn't seem appropriate to carve out one department out of all of the many departments that we have in Suffolk County to have this type of discretionary ability, otherwise we can have too chaos where we would have every department buying its own vehicles, making that type of executive decision and I don't think it's appropriate. So I will oppose this particular standalone.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

There's a list; Legislator Carpenter, O'Leary, then Tonna.

LEG. CARPENTER:

Thank you. I sponsored this amendment because in the Public Safety Committee and also in reviewing Budget Review's report, they cited that the Sheriff's Department •• which, by the way, maintains their own vehicles and which, by the way, used to purchase their own vehicles before there was sort of a punitive measure that was leveled at the previous Sheriff and took that ability away from him. It is a much more efficient way to do it because they are not then having to go through the Department of Public Works. This resolution does nothing more than transfer the function and allows the department to purchase the vehicles themselves. The dollar amount is exactly what was recommended in the budget by the County Executive, the dollar amount does not change at all; the department, I think, had requested more money but this dollar amount is exactly as was recommended. They do maintain their own vehicles and, by the way, at a lesser cost because of the labor that they are able to utilize with those that are residing in their facility.

LEG. ALDEN:

Good way to put it.

P.O. CARACAPPA:

That's well stated, Legislator Carpenter.

LEG. CARPENTER:

So, I mean, just for the sake of efficiency, for the sake of, you know, having them get their vehicles in a more timely fashion, there is a tremendous lag time. And you know, perhaps, Mr. Presiding Officer, if you would consider calling someone from the department up who might be able to explain it a little better than I.

P.O. CARACAPPA:

Certainly. Chief Otto? Just give us a brief synopsis.

CHIEF OTTO:

Very brief. Okay, first•off, I think there's a little confusing dialogue going on here. It's not to purchase the vehicles, the Sheriff's Office is not looking to purchase the vehicles, all we want to do is place the requisitions. In other words, the same County policy that's in place where I

write the requisition, Budget Office approves it and then it goes to Purchasing, Purchasing has to approve it and change the requisition to a PO, then they purchase the vehicles, it comes in, it gets fleetted, that's another check and balance. What it does, it enables me to place the orders for these vehicles in January and February like I have done in 1997, 1998 and 1999 where we get our vehicles around June, not like today where I only have five vehicles and it's November.

P.O. CARACAPPA:

Did everyone hear that explanation? I think it's very important.

So it just has to do with the original paperwork.

CHIEF OTTO:

That's correct. In fact, you can check and confirm it with the Budget Office, you can confirm it with Purchasing and also Fleet. In fact, Fleet probably would be pretty happy that I'm taking some of that away from them because they are overworked over there.

P.O. CARACAPPA:

For the basic layman's term, you take the responsibility of initializing the paperwork and start it just earlier in the year.

CHIEF OTTO:

That's correct.

P.O. CARACAPPA:

Understood. Legislator O'Leary. Thank you, Chief.

LEG. O'LEARY:

Yeah. Well, the issues that Chief Otto just raised were the ones I was going to bring out as well, it's a question more of timing as far as the requisition of the vehicles. And the testimony given in the Public Safety Committee said under the current process there's a lag in acquiring the vehicles for the department's use through the requisition process, it's put off until well after June rather than a lot earlier.

So it was a request in Public Safety on the part of the Sheriff's Department that this process be switched over from the current DPW to the Sheriff's Office for purposes of streamlining the process, that is my understanding of what occurred in the budget hearings committee; is that

correct, Chief Otto?

CHIEF OTTO:

That's correct.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Thank you but I pass, forget it.

P.O. CARACAPPA:

Pass. Legislator Lindsay.

LEG. LINDSAY:

In due deference to the Safety Committee, I remember the discussion at the committee and I certainly accept Chief Otto's explanation, but that isn't what the resolution says; the resolution says the Sheriff will purchase the vehicles.

LEG. VILORIA • FISHER:

That's what it says.

LEG. LINDSAY:

That we're transferring the funding to the Sheriff's Office. If it's a matter of paperwork to expedite the thing, I'm all for it. I am opposed to the centralized purchasing of these vehicles just on the order of price. If we start doing it individually, you can't buy vehicles at the same price if you're buying a less amount.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

On the motion. Jim, how would this be more appropriately phrased to reflect the true purpose; can you offer us any alternative language?

P.O. CARACAPPA:

Legislator Carpenter would have to make a motion to amend the language in her amendment to make it clearer.

LEG. ALDEN:

Okay, but I'm asking Jim if he could ••

MR. SPERO:

You'd have to draft some kind of policy statement requiring the Purchasing Division to process the Sheriff's request for vehicles let's say by February of 2005, something along those lines. It wouldn't be a Budget Amendment, the money would stay in DPW's budget for the purchase of the Sheriff's vehicles.

LEG. ALDEN:

I'll yield to Legislator Carpenter, I'm done.

LEG. CARPENTER:

I apologize, I was speaking with another Legislator and I did not hear the beginning of that conversation. Is this in response to what Legislator Lindsay was saying?

P.O. CARACAPPA:

Yes, there was opposition to the language of the amendment saying that it completely transfers the function of buying cars to the Sheriff and it doesn't properly state what Chief Otto had explained to us in his explanation.

LEG. ALDEN:

Mr. Presiding Officer, actually Mr. Lindsay went further than that and said that this actually transfers the dollar amount ••

LEG. FOLEY:

It does.

LEG. ALDEN:

•• from where we intend to even use it over to the Sheriff's Department to actually purchase the vehicles, and I don't think that was your intent.

LEG. CARPENTER:

I •• Chief Otto, can you come forward, please? Through the Presiding Officer, I'm sorry.

CHIEF OTTO:

Thank you. In order for the Sheriff's Department to put a requisition in for anything, okay, like any other department or office in the County, you have to have the money, okay, in your operating budget, you have to know what you have. So in '97, '98 and '99, that money was in the Sheriff's Office operating budget, we put our requisitions in and it still went through the County purchasing procedure, it still went to Mr. Steve Arata, okay, in County Purchasing who changed the requisition to a PO and then it still went to Fleet to fleet our vehicles. What we are asking for is yes, put the money in our operating budget, whatever is adopted, and let us take it from there, we will write the requisitions and submit it through the County system.

P.O. CARACAPPA:

If you would, can I ask a question to the Chief?

LEG. CARPENTER:

Sure.

P.O. CARACAPPA:

If we gave you all the money you needed in this account, so to speak, and you did the purchase orders and it went through, they can still deny you those purchases.

CHIEF OTTO:

Absolutely. Yeah, there's three checks and balances, again. The first check that they have is when I write a requisition the Budget Office, okay, looks at it and they have to do electronic approval. And let's say, for instance, it was one of those really late nights out there in the County Executive's staff and a requisition went through for a dump truck, okay, for the Sheriff's Office and he approved it, okay? Then it goes to Purchasing, okay? The Purchasing office will look at it and say, "I'm not going to change this to a PO because the Sheriff's Office doesn't

need a dump truck and I know what they're authorized to purchase." However if he was out with the Budget Office that same night and he approved it, okay, this vehicles then would be ordered and would come in. Now Fleet, this is the third check, would say, "What did the Sheriff's Office get this dump truck for?" Well, number one is we're not going to fleet it which means if they don't put the gas ring in it we can't put gas in it, and number two is if they did put the gas ring in it we have to turn in a similar vehicle, a dump truck for a dump truck, okay, anything different has to be approved by the Legislature.

P.O. CARACAPPA:

Legislator Carpenter, you have the floor.

LEG. CARPENTER:

So, I mean, it seems really clear. My intent was to try to streamline the process to make sure that the intended office of department is getting their vehicles, especially those that perform public safety functions and, you know, it's not changing the dollar amount, the dollar amount is exactly the same. And I think we heard very clearly from A to Z the process that they would undergo, and certainly there is plenty of scrutiny along the way and, again, this was the process years ago. So I would like to move this amendment.

LEG. TONNA:

Can I just ask ••

P.O. CARACAPPA:

We have some •• Legislator Mystal then Tonna.

LEG. MYSTAL:

This is not for Chief Otto, but it seems like we are trying to answer an administrative problem to a budget process. The administrative one seems to be that if there is a lag in terms of when you request your vehicles and when you get them, it's something that the County should answer or the administration or the County Executive should answer to each department. To start cutting up pieces of every •• of DPW in terms of the car, next step I know we'll have a resolution to let the Police Department buy their own cars, the next step would be the Department of Engineering to buy their own car, whatever department. I don't think we should answer an administrative problem which is a lag time with a budgetary answer, I don't think I

can support that.

P.O. CARACAPPA:

Legislator Tonna then Cooper.

LEG. TONNA:

Yeah, just a question of the Chief; are you having problems now?

CHIEF OTTO:

Yes, and that's the problem.

LEG. TONNA:

Well, that's what I want to find out. If something is dysfunctional ••

CHIEF OTTO:

Yes.

LEG. TONNA:

•• let's fix the dysfunctional thing. I mean, is the County Executive's Office not processing the vouchers on time or are they •• I mean, obviously, you know, this is a pushy situation, you're asking for a change because you're not able to accomplish something that's within your right and the department's rights. So tell me, what's the problem?

CHIEF OTTO:

It's twofold. First•off, the Sheriff's Office vehicles are far different than any other department's office vehicles, the reason being is they are on the road all the time, but that's just not in Suffolk County, they're all over the State of New York. I'm putting 6,000 miles on a vehicle a month now, okay, so that's number one, so our vehicles last about 18 months. I need to get them in. Number two is to say there's a problem, there is, I don't want to point a finger but I can say this, in '97, '98 and '99 I got all my new vehicles in in June and July, okay? All the previous years, including this year, this year's the worst, I only have five vehicles in right now, five.

LEG. TONNA:

Out of?

CHIEF OTTO:

Don't know the exact numbers, about 26 or so. Plus ••

LEG. TONNA:

But in the 20's.

CHIEF OTTO:

Plus, I also know that certain vehicles weren't ordered yet. So what has been created here is a lag vehicle purchase and the Sheriff's Office fleet is being denigrated, it's falling apart and we have a problem. So I would just like to have the money transferred, let me do the ordering through the County system and we can take care of a very serious issue.

LEG. TONNA:

But •• I still have the floor, right?

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Thank you, Chief. Isn't the issue fix it at the County Executive's Office, the Executive Branch; I mean, isn't that really the issue? There would be no problem, there would be no concern with changing •• I like the idea that Public Works is doing it because, you know, you have one basic place that is doing everything and, you know, you get a certain amount of expertise when they're ordering all the cars and everything. So if the problem is in Public Works that they're not expediting the Sheriff's cars on time, then let's fix that, let's not create, you know, dysfunctionally create something or start a whole nother (sic) process, now they have to have their car experts, now they have to do this and that. You know, the whole idea is the Sheriff's Department is pressed enough, we know that. Public Works is doing it for everybody else, we don't want to duplicate services but we just want them to purchase the cars. You wouldn't be up here concerned about this if you got your cars, right? You'd be on to other things, jails••

CHIEF OTTO:

That's part of it. But also, you mentioned something about the vehicles ••

LEG. TONNA:

Right.

CHIEF OTTO:

•• as far as purchasing the right vehicles?

LEG. TONNA:

Yeah.

CHIEF OTTO:

Okay, the vehicles that were purchased were the wrong color, okay, they had the wrong electronics installed, they had wiring. I mean, we do everything ourselves, okay, and when we place our orders we tell the manufacturers what we want. So that coupled with the late vehicles is a problem.

LEG. TONNA:

Which shouldn't Public Works be doing that on your behalf; should they or shouldn't •• I mean, you know, tell it like it is, shouldn't they be doing that on your behalf?

CHIEF OTTO:

Since 1999 they haven't been.

LEG. TONNA:

Okay. So why don't we fix that? Why don't we ask •• you know, where is the County Executive representative; Ben, where are you, Ben? John is now, he's the County Executive representative?

MS. LOMORIELLO:

Fred is here.

LEG. TONNA:

Fred? No, Fred's not Public Works, he's a budget guy.

P.O. CARACAPPA:

No, Fred wasn't asked to come up.

LEG. TONNA:

Yeah. I just want to ••

P.O. CARACAPPA:

I'd ask aides not to reach out to people in the audience to have them come up, thank you.

LEG. TONNA:

Can I just get some •• all I want to do is let's get this fixed. The Sheriff's Department has a concern, obviously the Executive Branch is not •• you know, whether it be out of Public Works or whatever else, it's not being done. It saves the whole government a lot of time if people are doing it correctly. What have they said, have you had a meeting with the Public Works Department or have you had a meeting with the Executive Branch and said, "Could we just have the right colors and wiring and could we get our cars on time", and what did they say?

CHIEF OTTO:

I've talked to everybody from January 1st on until November when we finally started getting the vehicles. I also talked to Budget Review, expressed my concern to them that we weren't going to get the vehicles in time.

LEG. TONNA:

Right.

CHIEF OTTO:

I've made presentations to you all that we were going to have a vehicle lag budget last year and we have one now.

LEG. TONNA:

Okay, so you made the •• and what was their response, total silence, yes, no, "No, we're not going to give them to you"?

CHIEF OTTO:

I don't recall exactly, if anything, they've said.

LEG. TONNA:

In other words, they didn't say, "Oh, we'll get right on it"?

CHIEF OTTO:

No, they ordered the vehicles and we're getting them in now.

LEG. TONNA:

And they're different colors, different wiring. Okay, Ben, come on up here. Oh, no. Presiding Officer, do you mind if I make a request of the representative of the County Executive to get at the heart of this issue?

P.O. CARACAPPA:

Why not, Legislator Tonna?

LEG. TONNA:

Thank you. Mr. Zwirn, how are you today?

MR. ZWIRN:

I put my arm around Chief Otto, now his career is finished.

LEG. TONNA:

I thought it was pretty weird when you pulled up with a pink car, Chief, I thought that was pretty strange. Anyway, the ••

MR. ZWIRN:

Well, my car has been requisitioned and now it's in Riverhead at the jail.

LEG. TONNA:

Anyway, what's the problem, why can't we get the Sheriff's cars the right color on time with the right wiring, what's the problem?

MR. ZWIRN:

I think we're just waiting because the new models are coming out right now so, you know, it's the end of the year, so we can get ••

LEG. TONNA:

Wait, wait; that's a joke, by the way. There should be a little symbol that goes "cha cha cha ching". All right, seriously, what •• obviously he's reached out to the County Executive's Office.

MR. ZWIRN:

Well, what one department looks at as, you know, things are taking too long, another department looks at its careful oversight and we're saving the taxpayers money as we review these requests very carefully.

LEG. TONNA:

You've got to be kidding me. This is where we're going with this?

MR. ZWIRN:

I hear what you're saying and, you know, I'll bring it back to ••

LEG. TONNA:

I mean, what do you want to do? What does the County Executive •• does he want the function to go to the Sheriff's Department so that they can expedite this quicker?

MR. ZWIRN:

No, he would like to keep it where it is.

LEG. TONNA:

Okay. So then there is •• it would seem to me if you want the responsibility then there needs to be accountability, right? If you take a responsibility on you have to be accountable, and the accountability, the people who are the end•users are saying we're getting the wrong color cars, we're getting them at the wrong time and the process is not working for them. All I'm asking is can you bring this up to Public works?

MR. ZWIRN:

Yes.

LEG. TONNA:

I mean, how do you expect Legislators to basically not support this resolution if we have this problem; what's your argument, give us a little time?

MR. ZWIRN:

My argument is that I was not aware that we're having a problem and I've never seen a Sheriff's car on the road that was the wrong color, I mean, so I don't know •• you know, that I don't know. We have guys from the Budget Office here, maybe they can help you with ••

LEG. TONNA:

Oh, shed some light?

MR. ZWIRN:

Sure.

LEG. TONNA:

I'd have to ask the Presiding Officer; is that okay if somebody •• Fred seems like he's jumping out of his seat to answer a question.

P.O. CARACAPPA:

If you're asking ••

LEG. TONNA:

I'm asking.

P.O. CARACAPPA:

•• for Mr. Pollert?

LEG. TONNA:

Yes. Do you mind?

P.O. CARACAPPA:

Come on up, Fred, you're the next contestant.

LEG. TONNA:

Fred, it's a pleasure to see you in this position.

LEG. MYSTAL:

Watch your mouth.

MR. POLLERT:

To begin with, the best of my understanding is that when the fleets are constructed for public safety vehicles, there's special construction time lines from Ford Motor Company and from the Chevrolet Division, if you miss the placement of the order you have to wait until the next time they shut down the production line to do public safety vehicles.

LEG. TONNA:

Right.

MR. POLLERT:

The advantage of going through the Department of Public Works is that the Department of Public Works centralizes all of the orders, so that you've got a group purchase going in for all the public safety vehicles and they also ensure that there are no special options, it's coming off the State contract with whatever options are necessary. The Budget Office did not slow the process through the Sheriff's Department, for whatever reason, apparently they missed one of the build•out dates; no matter what you do, you have to wait until the next build•out date.

LEG. TONNA:

Who missed the build•out date?

MR. POLLERT:

I really don't know because •• what I can talk to is the fact that the order was not held up in the Budget Office. The advantage of keeping the processing through the Purchasing Department is that they ensure that there's conformance with the State contract requirement so that it's not a speciality build•out.

LEG. TONNA:

But obviously the Sheriff's Department feels that they can do a better job at making sure that they can keep the build-out dates than the Public Works Department or the Executive Branch. Now, you know, that seems to be the reason why they don't want it in their department so that they can be late doing it, they want it in their department so that they can be on time doing it so that they can fill their public service function.

MR. POLLERT:

What I can say is that the public safety vehicles that we purchase for the Police Department, for the Park Rangers, all go through the same process, there didn't appear to be a problem with those vehicles this year. So we'll be happy to go back to find out what happened with the Purchasing Department, however just like the Chief had said, it eventually has to come through the Purchasing Department, they have to make the placement of the order to reach the build-out time. If you miss the build-out time, the only option you have ••

LEG. TONNA:

Right.

MR. POLLERT:

•• is to go to a company like Warnock Ford that purchases bulk purchases and hope to buy vehicles through them.

LEG. TONNA:

And then we pay more.

MR. POLLERT:

Then you pay more because then you'd have to ship it back from New Jersey.

LEG. TONNA:

The only thing that I would say is •• the only other concern that I had from Chief Otto's testimony is that when bringing it to the Executive Branch, he basically feels that he got no satisfaction and that's •• you know, from a managerial standpoint, you know how dysfunctional that can be. When you bring an issue and you say, "Hey look, we're all on the same page, we want the Sheriffs to have the tools that they have, it's budgeted," but I'm getting, you know ••

I mean, he basically categorized it as a silent response, there was no response, no admission that we missed a date, no this, no "we'll try better next time", no, you know, "we'll get the colors right, I swear", nothing. And that's why then dysfunctionally he goes to the Legislature, okay, and you know how dysfunctional it can be when you go to the Legislature, and now we're taking up this issue, you know? And I just think we should get this together.

MR. POLLERT:

What I will be happy to do is follow up with the Purchasing Department, but there was no delay, to the best of my knowledge, coming through the County Executive's Budget Office. It's a normal processing that we do for the Police Department, you know, and the other public safety vehicles, there was no budget savings with respect to attempting to restrict the budget for the Sheriff's Department.

LEG. TONNA:

Okay. Thank you very much, Fred.

P.O. CARACAPPA:

Thank you, Legislator Tonna.

LEG. TONNA:

Thank you very much, Presiding Officer.

P.O. CARACAPPA:

Absolutely. Legislator Cooper.

LEG. COOPER:

My question was addressed by Legislator Tonna. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Cooper. Legislator Caracciolo.

LEG. CARACCILO:

Likewise, most of my questions were addressed by Legislator Tonna, but I'd like to have Under •Sheriff Sullivan come up, please.

P.O. CARACAPPA:

Hold on, time out for the purposes of the stenographer. Okay?

Under•Sheriff Sullivan, why don't you come on up, there's some questions by Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you, Mr. Chairman. Mr. Sullivan, are you familiar with the Budget Amendment proposed?

UNDERSHERIFF SULLIVAN:

Yes.

LEG. CARACCILOLO:

Okay, could you summarize what it would accomplish?

UNDERSHERIFF SULLIVAN:

To my understanding •• and I have to confess, we were educated by Chief Otto who I think is the person who knows more about this in the County than anyone else •• all it would do is it's dollar neutral, it would take the money for our vehicular needs, not put it under our control, as he describes, so that we can order other things. But what it would do is take the administrative process that we had in place for many, many years, that's the part that I think might not be emphasized enough in this conversation, and that worked very well up until 1997 I believe it was. There was, without beating an historical dead horse, there was antipathy between the then County Executive and the then Sheriff and the ability to process the requisitions for these vehicles was taken away from the Sheriff's Office, which is an Executive Office in and of itself, and was given to DPW. The truth is •• and as the Chief said, it's not about pointing fingers •• DPW has a tremendous amount of work to do, and especially in the vehicular requisition field, but we have had a dysfunctional history back to his recollection now five years.

The current problem is such that our fleet, because of the lag, is seriously deteriorating. And of course when this had happened, at the historical moment when we're using it the most because we have so many prisoners that are being transported up and down in alternative housing in nine other counties. The truth of it is we think we can manage it better, we won't spend another dime, we think it we can manage it faster.

There's even a weather and seasonal aspect to this. When we requisitioned our cars through Chief Otto's office in January and February and we got those cars in June and July, there's a certain amount of painting, repairing and wiring and so forth, and we're different from the Police Department, we have our own garage, we do all of this ourselves.

LEG. CARACCILO:

That's right.

UNDERSHERIFF SULLIVAN:

We're able to do it during the summer months, now the cars we're getting that have to be painted can't be painted because we don't have paint booths, we paint outdoors, we can't do it as quickly in the winter months as we can in the summer months, so something as mundane as that factor. What we're saying to the Legislature is we have an office-wide cultural experience in handling this for many, many years, it was done right, it was done for the right amount of money. It has not been successful over the last four or five years, the reason it was changed five years ago had nothing to do with wholesome budgetary concerns or governmental administrative concerns and we want it back.

LEG. CARACCILO:

It was politics. Don't go away. The earlier reference to the vehicles, recent delivery of vehicles that were incorrectly marked and wired, explain a little further, give us some details, how many vehicles and who was responsible for the errors, if you will?

UNDERSHERIFF SULLIVAN:

To the extent I know, Legislator Caracciolo, I know vehicles came in that have to be completely painted, they used to come in white and we could do decals and limited painting. I know the roof bars have the holes drilled in them and the electrical lines in them through the center; well, our light bars are off to the left, so those holes have to be patched, repaired, painted and new holes have to be drilled over here.

LEG. CARACCILO:

Do you know the quantity of vehicles and the cost associated with those repairs was?

UNDERSHERIFF SULLIVAN:

I can't say off the top of my head, Mike. Do we know the number of vehicles and the cost, Chief, approximate this year?

CHIEF OTTO:

Off the top of my head, about 26.

LEG. CARACCIOLO:

Chief Otto, if you ••

UNDERSHERIFF SULLIVAN:

I think it was about 26 Crown Vics. By the way, the only vehicles we're talking about right now are Crown Victorias which are ••

LEG. CARACCIOLO:

To use for transportation to and from Upstate facilities or ••

UNDERSHERIFF SULLIVAN:

An intra •• extra County and intra County.

LEG. CARACCIOLO:

Correct.

UNDERSHERIFF SULLIVAN:

That's the mainstay of our fleet is Crown Victorias.

LEG. CARACCIOLO:

Okay. So at the present time, what is the need in the department, for how many new vehicles, and where does your current request stand?

UNDERSHERIFF SULLIVAN:

We're talking •• we have our cars in the budget now, we're not asking for more cars.

LEG. CARACCILO:

No, I understand that, but when are you going to get them is my question.

UNDERSHERIFF SULLIVAN:

Pardon me?

LEG. CARACCILO:

When will you get them?

UNDERSHERIFF SULLIVAN:

Well, right now we've got five of I think 26 that were for '04 and we're close to the end of the year.

LEG. CARACCILO:

That's going to create a problem, it's going to increase maintenance costs because you're going to have vehicles with excessive mileage, you could run in to some safety issues. What is the average mileage on a Deputy Sheriff's vehicle?

UNDERSHERIFF SULLIVAN:

We're running them now on average 6,000 miles a month.

LEG. CARACCILO:

I heard Chief Otto say that, but what is the average mileage?

P.O. CARACAPPA:

Six thousand.

UNDERSHERIFF SULLIVAN:

On the car, you mean the existing mileage on the cars we have now?

LEG. CARACCILO:

The existing 26 car fleet, yeah.

UNDERSHERIFF SULLIVAN:

I can't answer the question, Mike, hold on. Do you know what our average mileage is now, Chief?

CHIEF OTTO:

They're turned in with over a hundred thousand.

UNDERSHERIFF SULLIVAN:

The Chief informs me, which I knew, not exactly answering your question, but we turn them all in over a hundred thousand miles.

LEG. CARACCILO:

Okay, so they get turned over at a hundred thousand miles, but if you don't have replacement vehicles in the pipeline or if you have these other problems with DPW marking •• you know, wiring and marking problems, first of all, there's costs associated with that.

UNDERSHERIFF SULLIVAN:

You fix them as best you can.

LEG. CARACCILO:

So I don't see good management right there and that's a concern. How often has that occurred in the past, is that just an anomaly if it's happened once?

UNDERSHERIFF SULLIVAN:

No, it's not an anomaly, it's a continuing process that's getting worse. Our vehicles overall have more mileage on them than they did a year ago.

LEG. CARACCILO:

The issue then really comes down to this; do we as the Legislative body of this County who has oversight function of all departments •• and let's note that the Office of the Sheriff is not a County Department within County government like DPW and the Police Department, it is an elected official that heads up that department. Someone who heads that department that I have the utmost respect for would not come here with a frivolous request to make a changeover like this unless he really believed and his assistants really believed they could do as good if not better job, so I'm going to support this resolution.

.

What's really at the heart of this is what transpired during the Gaffney Administration with then Republican Gaffney against Democrat Mahoney. And I didn't appreciate what was going on then between the County Executive's Office and the Sheriff, even though the Sheriff was a Democrat, it was wrong then, it's wrong now, let's fix it, we have an opportunity to fix it. If the County Executive wants to •• I believe this resolution may get nine or ten votes or it may or may not pass, but my sense is if it pass he will probably veto it and it will be business as usual. And I don't understand and I'd like to know from him at that time what he intends to do to redress these issues that have been brought before us that are increasing costs and inefficiencies. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Thank you. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Come back. I just have a question for the Sheriff's Department, very briefly.

P.O. CARACAPPA:

Sheriff Sullivan, come on up. Let's try and keep our answers as brief as possible.

LEG. VILORIA•FISHER:

It's just a brief question. You had said that in 1997, '98, '99 you had the ability to process your own requisitions, now did that mean that you were •• you had the ability to do the paperwork or that it was a budget item within your own budget?

UNDERSHERIFF SULLIVAN:

My understanding is that it has to be in our own budget or we can't do the paperwork. But as the Chief described, there's a tertiary level of checks and balances on it, we can't buy •• we can't go out and buy a Humvee, we can't go out and buy a Jaguar.

P.O. CARACAPPA:

Sheriff, that ••

LEG. VILORIA•FISHER:

Okay.

P.O. CARACAPPA:

I don't mean to cut you off but the question ••

LEG. VILORIA • FISHER:

It was a short question and you answered it.

P.O. CARACAPPA:

•• was in the past did you have the money allocated to your department.

LEG. VILORIA • FISHER:

Into your own budget.

UNDERSHERIFF SULLIVAN:

Yes, the answer is yes. Yes, we had the money in our budget before the change in the Gaffney Administration.

P.O. CARACAPPA:

Thank you. Anybody else? Okay, there's a motion and a second.

MR. ZWIRN:

Just one very short ••

P.O. CARACAPPA:

Mr. Zwirn, it's been debated, I think everyone •• go ahead.

MR. ZWIRN:

Very brief. Just one thing that Legislator Tonna said, and it didn't come from Chief Otto, was that there was a request made of the County Exec's Office and there was complete silence; I just checked with Chief Otto, he did not state that and that never happened. There's nobody in the County ••

LEG. TONNA:

He just said it, he just said he had a meeting with the Executive Office and he got no response.

MR. ZWIRN:

Well, I'm just saying ••

P.O. CARACAPPA:

Okay, it's duly noted.

MR. ZWIRN:

We were completely unaware of anybody who has spoken with the County Exec's Office.

P.O. CARACAPPA:

Thank you, Mr. Zwirn. There's a motion and a second?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

LEG. TONNA:

Give them a chance to fix it.

P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

Motion to table.

LEG. O'LEARY:

Second on the motion to table.

P.O. CARACAPPA:

Procedural Motion, I have a Procedural Motion or a question about procedure; how do •• can we table a Budget Amendment?

LEG. TONNA:

You can't table this.

P.O. CARACAPPA:

I don't believe we can.

LEG. BISHOP:

Unless you're going to recess the meeting.

LEG. O'LEARY:

Unless you recess for ten minutes.

P.O. CARACAPPA:

You can't ••

LEG. CARPENTER:

Yeah, let's done.

LEG. TONNA:

Bishop's done kicking people in the knees.

P.O. CARACAPPA:

You cannot table a budget amendment to any time other than the day of the meeting being held currently. Okay, continue the roll call.

MR. BARTON:

Call the vote? Okay, the vote is nine to eight.

P.O. CARACAPPA:

Budget Amendment 7 fails.

Budget Amendment No. 8, it conflicts with No. 2.

Moving on to ***Budget Amendment No. 9 (Adds \$171,646 in Cornell Cooperative Extension for three positions for Agriculture Stewardship Program using Water Protection Funds, Fund 477).*** Motion by Legislator Vilorio•Fisher, second by Legislator Caracciolo. All in favor? Opposed.

LEG. TONNA:

Opposed.

P.O. CARACAPPA:

Opposition, Legislator Tonna. Abstentions?

LEG. ALDEN:

One abstention.

P.O. CARACAPPA:

One abstention, Legislator Alden.

MR. BARTON:

15 (Opposed: Legislator Tonna • Abstention: Legislator Alden).

P.O. CARACAPPA:

No. 9 is approved.

10, Budget Amendment No. 10 (Adds \$1 million for an RFP for clam re-seeding in the Great South Bay using Water Protection Funds, Fund 477. There is no impact on the general fund tax levy).

LEG. LINDSAY:

Mr. Chairman?

P.O. CARACAPPA:

There's a motion.

LEG. LINDSAY:

Yeah, I'd like ••

LEG. TONNA:

I'll second that.

P.O. CARACAPPA:

Hold on, there's no motion yet. Legislator Lindsay?

LEG. LINDSAY:

Yes, I'd like to make a motion but I'd like to amend what we have here.

P.O. CARACAPPA:

Okay. There's a motion to ••

LEG. TONNA:

I'll second it.

P.O. CARACAPPA:

Make a motion to amend first, Bill.

LEG. LINDSAY:

I'd like to amend the resolution to move it from DPW to the Department of Environment & Energy.

P.O. CARACAPPA:

I don't know if we can because the department hasn't been created just yet.

LEG. CARACCIOLO:

That is correct, Mr. Chairman; there is no Department of Environment.

P.O. CARACAPPA:

Right, it hasn't been created in the budget. We have to pass a Charter change to create that department. We may be planning for it in the budget, it might happen, but we have to do the Charter change, there has to be the Civil Service approvals locally and in the State before that can happen. Legislator Lindsay?

LEG. LINDSAY:

I'll withdraw that resolution.

LEG. TONNA:

You're going to •• wait, wait. On the ••

LEG. LINDSAY:

No, the motion, the motion.

P.O. CARACAPPA:

The motion to amend ••

LEG. TONNA:

Yeah.

P.O. CARACAPPA:

•• is withdrawn. Now on the resolution itself.

LEG. LINDSAY:

Correct.

LEG. TONNA:

I'll second that.

P.O. CARACAPPA:

There's a motion to approve 10 as it's before you, second by Legislator Tonna. All in favor?

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Through the Chair; Budget Review, if you take a million dollars out of the 477 Fund ••

P.O. CARACAPPA:

Budget Review?

LEG. ALDEN:

If you take a million dollars out of 477, what does it do, what does it bring the balance down to?

MR. SPERO:

I'd have to check.

LEG. ALDEN:

Does this deplete all the funds in 477?

MR. SPERO:

No, there's more than sufficient funding in 477 to cover this transfer.

LEG. ALDEN:

Okay. Now ••

MR. SPERO:

I don't know the exact amount in the Water Quality component of the program, but we can find out for you.

LEG. ALDEN:

Okay. Just through the Chair ••

P.O. CARACAPPA:

Absolutely.

LEG. ALDEN:

•• to our Legislative Counsel, the 477 Fund is basically Water Protection. Clam re•seeding, how that fits into intent of the Legislators that put that legislation in and created that 477 account?

MS. KNAPP:

I will defer to the Legislator who is sponsoring or I'll answer it, either one.

LEG. LINDSAY:

This is very similar to the re•seeding of the scallops in the Peconic Bay. Shellfish actually purify the water besides being an economic impetus; they actually clarify •• they purify the water, shellfish.

LEG. ALDEN:

This re•seeding gets done on our lands that we're doing the lease for?

LEG. FOLEY:

Public lands.

LEG. LINDSAY:

Well, what this calls for is an RFP. There's like two or three different organizations out there that are interested in this program, one of them is The Nature Conservancy that owns a lot of underwater land rights in the Great South Bay as a preserve to try and restore the shellfish.

I'm sure they're going to be one of agencies bidding on it; I don't know which one is going to get it, I'm going to leave that up to the experts to decide.

LEG. ALDEN:

So the resolution doesn't really dictate that it go on public lands or our lands or private lands.

LEG. LINDSAY:

Well, the Great South Bay is for the most part publicly owned.

LEG. ALDEN:

We own thousands of acres on there, so. All right.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Schneiderman and then Foley.

LEG. SCHNEIDERMAN:

Some questions and some comments. One is in terms of getting this 477 money for, you know, water clarity types of projects or improving water quality, is there a review committee that looks at some of these suggestions and makes its recommendations to the Legislature in terms of where the money should go? Because there is a lot of money, I've heard, you know, Legislator Bishop and others talk about the need for reengineering some storm drainage to keep some pollutants out of the water, and this is a million dollars, it's a lot of money. If I can get that question answered first, whether there's typically a committee that reviews this before the Legislature, I'd like that and then I have several comments about this particular project.

P.O. CARACAPPA:

Well, the review committee would be us.

LEG. SCHNEIDERMAN:

Okay. Well, this •• the group that is behind this, if it's the same group that presented to the Environment Committee, I think it should probably present to the full Legislature. I had

numerous questions that are on record when that group presented, one is that they were not a not-for-profit group. I had some serious questions about the same •• it's not the same group? Okay. In 477 funds, that could be spent during the year, right, it wouldn't have to be part of this process. So if somebody could make a presentation as to the need for this million dollars before us when we can ask some of the, I think, the scientific questions behind this, I certainly would appreciate it.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah, the reason •• by the way, I was to be added as a cosponsor of the resolution. Thank you.

LEG. TONNA:

Yeah, could you put me on, too?

LEG. FOLEY:

The reason for the budget amendment, while it could be done during the year, it's also an important statement that many of us who represent particularly the Great South Bay want to make a statement, vis-a-vis this budget, of how important the clamshell industry could, once again, be to Suffolk County, but number two, as Legislator Lindsay mentioned, just ••

LEG. COOPER:

Cosponsor also.

LEG. FOLEY:

•• similar to what we've done to the Peconics and Gardiner Bay System which is allocating \$1.75 million for the effort to restore the scallop industry, we want to have a light kind of statement and support by this Legislature about the Great South Bay.

And it's also •• Mr. Chairman, the Fund 477 is the right account because it can also be used for coastal restoration which is what this would also amount to. So I'd hope, Mr. Chairman, that we don't wait until next year, that we place it into the budget now because then it's a statement by us in a bipartisan basis that we hold the Great South Bay South Shore Estuary on

equal footing with the Peconic Bay Systems, and I think that's important to make that budgetary statement.

P.O. CARACAPPA:

Thank you, Legislator Foley. I recognize Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I'm going to support this budget amendment, it's an important one. It's similar to an initiative that the County Executive announced several •• a couple of months ago with regard to the Peconic Bay, and I think this is an attempt by south shore Legislators to ensure the health and vitality of the Great South Bay.

Both Legislator Lindsay and I were at a press conference with The Nature Conservancy not long ago along the Great South Bay, I guess that was •• that wasn't Great River, that was Sayville; Sayville, Bill?

LEG. LINDSAY:

Yes.

LEG. CARACCIOLO:

And they announced an initiative working with volunteers from volunteer organizations. As Bill stated, this is just a proposal to initiate a request for proposal to ultimately provide \$1 million in funding to re•seed the bay, it's essential. If you want a shellfish industry in Suffolk County, you have to make an investment like this to have one. And I applaud Bill for this initiative and, as I said, I will wholeheartedly support it.

P.O. CARACAPPA:

Thank you. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Yes, I agree with Legislator Caracciolo. Not only is this environmentally sound but it's certainly an economic development from •• the point of view of economic development is very important. But to respond to what Legislator Schneiderman said regarding oversight and review

committee, I think that's precisely why we need an Energy & Environment Department, we need a central place that can look at issues like this. And so I hope that when we have our regular meeting of the Legislature we will support that department and putting it together so that we can find a central place to address these issues.

P.O. CARACAPPA:

Thank you, Legislator Fisher; the County Executive appreciates the plug as well.

LEG. SCHNEIDERMAN:

Joe?

P.O. CARACAPPA:

Legislator Alden, then Lindsay.

LEG. SCHNEIDERMAN:

Put me back on the list, Joe.

P.O. CARACAPPA:

Sure.

LEG. ALDEN:

I think Legislator Schneiderman hit the nail on the head. If he's got questions in his committee and there's no rush to do this today, this money basically is an off•budget 477 account. So by making a statement that's well informed and all of Legislator Schneiderman's questions can be answered in committee, I think that we can go in a proper manner and do this in maybe an organized fashion rather than just disorganized.

But in sort of response to the author of this, I think it's a good idea and I welcome the idea but I think we have to just explore it a little bit more than what we did today because I really have no clue as to, you know, like what's going on, what the RFP would involve, what the •• whether we're going to do it on private lands, public lands, whether the million dollars goes to an existing program. Because there's seed programs that I know of, the Town of Islip does a seed program, Cornell Cooperative already does a seed program that we fund. So I would like to know a little bit more about it before we go and rush in, so I'm going to defer to Legislator Schneiderman and hope that he would flesh this out in his committee.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, just two facts. The press conference that Legislator Caracciolo alluded to, one of the most startling facts that came out that day is just ••

P.O. CARACAPPA:

Bill, if you could just ••

LEG. LINDSAY:

Sure.

P.O. CARACAPPA:

The stenographer can't hear the speaker, so I'd ask everyone please give some respect to Legislators speaking at the moment. Thank you.

LEG. LINDSAY:

Okay, thank you. A surer period is like ten years ago; the Great South Bay yielded like 700,000 bushels of clams, today it's like 7,000. It's the most greatest decline of probably any resource we've had on Long Island and it's startling that it doesn't get more publicity.

As far as the concerns of why do it now, if we don't put it in the budget now as a Legislative Branch we'd have to wait until February to amend the budget; am I right about that, Budget Review?

LEG. CARACCILOLO:

Yes, absolutely you're right.

MR. SPERO:

That's correct. That would be your next •• actually your next opportunity would be December of this year that you can amend the '04 budget and the next time would be February of '05.

LEG. LINDSAY:

And while you have the microphone, Jim, this puts the money in the budget and authorizes an RFP. When the RFP is concluded and a proposal is being recommended, wouldn't that necessitate coming back to this Legislature for an appropriating resolution?

LEG. TONNA:

No.

MR. SPERO:

The selection of a particular agency is not designated in the resolution.

LEG. TONNA:

No.

LEG. LINDSAY:

So it would have to come ••

MR. SPERO:

So I would say it would require a resolutions to come back to select the appropriate agency.

LEG. LINDSAY:

So the oversight that Legislator Schneiderman and Alden are looking for will happen.

LEG. TONNA:

Right.

LEG. LINDSAY:

You know, and when we read the RFP and see, you know, what's been recommended, you know, we'll have a second bite at the apple about turning it down if we don't like the way it looks.

LEG. TONNA:

Right.

P.O. CARACAPPA:

Legislator Schneiderman then Tonna.

LEG. SCHNEIDERMAN:

It's not the contractor that concerns me right now, it's the actual project that concerns me. The idea of putting money to improve water quality in the Great South Bay to get the clams going again, I support that entirely. Earmarking a million dollars for it? I have no problem with that. I have a problem with the project because it may be throwing a million dollars in the garbage.

We have seen in East Hampton where we have an aquaculture facility where we have tried this type of seeding, we have seen 95% plus mortality rates, they don't take. What we have •• we created a whole over•wintering program that now we've seen the mortality rates drop by 50%, so we're doing much better. If you just throw seed into the Great South Bay, there's no reason right now to believe that it's going to bring the shellfish population back. We can look at spending money toward reengineering storm water basins which is something that Legislator Bishop has talked about, we can look at aquaculture facilities, we can look at creating some of the habitat that the clams are going to need to survive. But yeah, politically it sounds great, we'll throw in a million dollars at Great South Bay, but it might literally be throwing it out into the Great South Bay and that's what my concern is. It's important funds and I want to make sure they're spent appropriately.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah, I agree with Legislator Lindsay and I just •• I want to weigh in on two points. One is this is the time when we do our planning, this is a planning document, the budget is a planning document. And what we're saying here, it's not •• you know, I don't know if I would vote for a million dollar addition to a budget six months into the year. The fact is is that •• and you don't have to sit on this Legislature for a long time to know that the Great South Bay is dying, all right? And it needs government study, all right, it affects us economically probably more than a lot of other issues. And it's just not about clams, by the way, all right? It's about some of our economy, tourism and everything else. The Great South Bay is dying and we need to have a study.

I just think we need to go ahead with this. This is a really, really good initiative and I think it's a good use of a million dollars. By the way, the RFP committee is going to make sure that we have •• you know, that we're not wasting the money, that we have good qualified people. We've had many RFP committees where if there's nobody qualified we don't do it. So I say let's make sure we move ahead with something that really is very, very important to the economy of Long Island.

P.O. CARACAPPA:

Thank you, Legislator Tonna. And finally, for the last work, Legislator Lindsay.

LEG. LINDSAY:

I pass.

LEG. SCHNEIDERMAN:

I'm going to need one more ••

P.O. CARACAPPA:

He passes. No, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

If I may. If this can be amended ••

P.O. CARACAPPA:

Of course you may.

LEG. SCHNEIDERMAN:

If this could be amended in such a way that it's a million dollars toward bringing back the shellfish population in Great South Bay, I don't have a problem with that, I'll support it. It's just ••

LEG. VILORIA • FISHER:

Isn't that what it is?

LEG. SCHNEIDERMAN:

No, it's a particular re•seeding project that I have questions that whether it will actually work and that we'll lose all this money that could be used towards improving the quality of Great South Bay. So if you could amend it you have my support.

LEG. LINDSAY:

I'm not sure what type of amendment. It calls for an RFP, it allocates a million dollars, that doesn't mean we have to spend a million dollars. If a proposal comes back for less than that and it's a viable proposal and the committee that reviews it brings it to us, I would support that. Right now The Nature Conservancy has the project that we alluded to, they're investing over \$600,000 in the clam beds in the Great South Bay now. The question of whether the water is pure enough to sustain those clams, they seem to have answered yes and they put their money where their mouth is. I'm not validating whether their studies are correct or not, all I'm simply asking to do is to put aside a maximum of a million dollars in the budget to request an RFP for different organizations to come back with proposals on whether this is viable or not.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Is Mr. Zwirn here? Ben, if you are within earshot, could you return to the auditorium? In the meantime, Mr. Spero.

P.O. CARACAPPA:

If I could, Legislator Caracciolo, ask •• seeing that you're coming through me •• what does Mr. Zwirn have to do with this resolution?

LEG. CARACCILOLO:

Okay, I would like him to make comment with regard to the Peconic Bay initiative which, as I mentioned, was announced a couple of months ago, a million dollar investment in Peconic Bays, I think Mr. Lindsay's resolution mirrors that. And I did have a question about the committee, because there is a committee in existence and it's the Water Quality Review Committee.

Jim, if my memory serves me right, I believe Vito Minei or someone from the Department of

Environment Quality heads the Water •• what is it called, the Water Quality Review Committee?

MR. SPERO:

Yeah, Vito heads that group.

LEG. CARACCILO:

That's right and they've come before the Environment Committee time and time again last year, they made a very elaborate presentation on this whole issue of run•off, etcetera. And we in the Legislature locked horns with the previous administration about finally releasing money into the 477 account. We finally got over those differences, there's now a committee with oversight that makes the very recommendations that Legislator Schneiderman is concerned about.

This is not some willy•nilly proposal to just put a million dollars into the budget and let somebody make an independent decision without committee review both at the Water Quality Review Committee level, making a recommendation to the Legislative committees and ultimately to this Legislative body. So there are checks and balances, if you will ••

LEG. VILORIA•FISHER:

Soil and Water.

LEG. CARACCILO:

•• to ensure that before we spend a dime that this would be a worth while project and a worth while entity would be looking over this program in terms of an RFP participant. Mr. Zwirn, are you familiar with Legislator Lindsay's budget amendment for \$1 million to re•seed the Great South Bay.

MR. ZWIRN:

A little bit, yes.

LEG. CARACCILO:

Okay. As you recall, a couple of months ago the County Executive was out at Indian Island County Park at a press conference about a similar initiative for the Peconic Bay.

MR. ZWIRN:

Correct.

LEG. CARACCILOLO:

The scallops, yes.

MR. ZWIRN:

It was \$1.75 million I believe.

LEG. CARACCILOLO:

Correct. Could you just comment •• I know you were out of the room during most of this discussion •• A, I'm not sure if you were at the press conference with the County Executive and Legislator Lindsay down in West Sayville at Green Creek County Park, I was there.

MR. ZWIRN:

I wasn't.

LEG. CARACCILOLO:

I was invited by The Nature Conservancy and I attended. And in doing so, I learned a lot about the degradation of the Great South Bay and how important a re•seeding program of this magnitude would be. And Legislator Lindsay acknowledged, The Nature Conservancy that day acknowledged that they are investing \$600,000 of their money into a program and this would augment that. Did you have any knowledge of those things?

MR. ZWIRN:

Just from what I've gathered, you know, from Legislator Lindsay. I mean, the project would certainly have the support of the County Executive as we did on the •• with the scallop program, I think it's a very worth while project.

LEG. CARACCILOLO:

Okay. Now, there is a Water Quality Review Committee, you're aware of that.

MR. ZWIRN:

Yes.

LEG. CARACCILOLO:

And who heads up that committee? I believe it's Mr. Minei.

MR. ZWIRN:

Yes, Vincent Minei, that's correct.

LEG. CARACCILOLO:

Okay. One of the concerns raised by my colleague to the left, Mr. Schneiderman, was along the lines that before we appropriated this money and put it into the '05 budget that could then be released willy•nilly without proper oversight, you know, and scientific review evaluation, I believe the Water Review Quality Committee which has oversight of 477 Fund, would be responsible for making those evaluations of the entity that would be selected to an RFP process.

Is that your understanding of how this initiative would move forward?

MR. ZWIRN:

Yes.

LEG. CARACCILOLO:

Okay, thank you very much.

P.O. CARACAPPA:

That's it.

LEG. TONNA:

That's it.

P.O. CARACAPPA:

There's a motion and a second.

LEG. SCHNEIDERMAN:

Just, again, on the motion. I have looked at ••

P.O. CARACAPPA:

Let ••

LEG. SCHNEIDERMAN:

I'll be very short. I looked at the language, there is room here, it doesn't specifically say to set a type of methodology. So because of that I feel that, you know, I could support this project, I don't support just throwing the clam seed out into the Great South Bay. But I do hope that we get a chance to review what the ultimate methodology for re•seeding Great South Bay is.

P.O. CARACAPPA:

Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. LINDSAY:

Yes.

LEG. TONNA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yeah.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17.

LEG. ALDEN:

Point of clarification.

LEG. TONNA:

Good work, Legislator Lindsay. Good work.

LEG. ALDEN:

Mr. Presiding Officer?

P.O. CARACAPPA:

I recognize Legislator Alden.

LEG. CARACCILOLO:

Cosponsor.

LEG. ALDEN:

To Budget Review, Jim?

LEG. BISHOP:

Yeah, cosponsor, please.

LEG. MYSTAL:

Same here.

LEG. ALDEN:

Jim, in your ••

P.O. CARACAPPA:

Legislator Alden has the floor.

LEG. ALDEN:

In your narrative for the budget, I believe it's around page 105, 106, 107, something like that, you speak about the 477 account and there really is a lack of formalization right now that those funds seem to be comingled; is there something that needs to be created? Well, also for the Suffolk County Taxpayer Stabilization Fund, I believe that in your commentary it states that that fund hasn't really been formalized either.

MR. SPERO:

The law required the creation of certain separate funds which have not as yet been created.

LEG. ALDEN:

Could you write whatever legislation I need and coordinate with our Legislative Counsel to actually create those funds? That will give us a little bit of ability to track those funds, right?

MR. SPERO:

Yes.

LEG. ALDEN:

Okay, thanks.

P.O. CARACAPPA:

Okay. Before we go on, I'd ask for my colleague's assistance just to go back to Budget Amendment No. 3, motion to reconsider by myself; I have to change my vote for legal purposes. Motion to reconsider by myself, second by Legislator Alden. All in favor? Opposed? Abstentions?

It's now before us again.

Motion to approve Budget Amendment No. 3 by Legislator Binder, second by Legislator Lindsay. All in favor? Opposed? Legislator Cooper is opposed and I abstain, so the vote remains the same except for one abstention and myself.

MR. BARTON:

15 (Opposed: Legislator Cooper • Abstention: Legislator Caracappa).

P.O. CARACAPPA:

Thank you.

LEG. TONNA:

Can I get ••

P.O. CARACAPPA:

On the motion, Legislator ••

CHAIRMAN TONNA:

•• point of personal privilege?

P.O. CARACAPPA:

Yes, absolutely; Legislator Tonna.

LEG. TONNA:

We just had a •• we just discussed two resolutions ago, amendments ago, about the cars with the Sheriff's Department, and I think it's a bit disingenuous when I find out that the Sheriff's Department came up here and said that there are only five cards when I understand from the Executive's Office now that there's 20 cars and they have been waiting for weeks in DPW for the Sheriffs to have. So, you know, one thing that you look for when you're asking questions of officials is, you know, to get the straight story as best you can. And I think, you know, even know the Budget Amendment failed, I don't think it's being fair when they're saying they're having a difficult time getting cars when they didn't tell anybody that there are 20 cars, at least 20 cars slotted for the Sheriff's Department there.

P.O. CARACAPPA:

(Inaudible).

LEG. TONNA:

Well, that's what I've just been told.

P.O. CARACAPPA:

Okay, I'm just saying ••

CHAIRMAN TONNA:

It is true.

P.O. CARACAPPA:

Legislators want to jump in and talk about it, but we're past it.

LEG. TONNA:

Okay.

P.O. CARACAPPA:

I appreciate you putting the comment on the record.

LEG. TONNA:

Just for the record, that's why it's a point of personal privilege.

P.O. CARACAPPA:

And I'd like to move on.

LEG. CARPENTER:

Well, I'd like to have a point of personal privilege ••

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

•• to put on the record that since that has been put on the record, before we put it on the record as law we're going to investigate and make sure that that is, in case, fact.

LEG. BISHOP:

I want to know who reads this record.

P.O. CARACAPPA:

Budget Amendment No. 11 (Adds \$50,000 for landscape screening at the end of the Gabreski Airport Runway 6•24. The cost is offset by a \$50,000 increase in the 2004 estimated sales tax revenue). Motion by Legislator Schneiderman. Is there a second?

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed?

(Opposed said in unison *)*

Roll call.

(Roll Called by Mr. Barton • Clerk *)*

LEG. SCHNEIDERMAN:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCILO:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes. I'm sorry, change my vote to a no.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

No.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

10.

P.O. CARACAPPA:

Budget Amendment No. 11 passes.

No.12 (Creates two new Probation Officers in Probation and adds \$75,000 for equipment for a pilot program using GPS to monitor probationers. The cost is offset by an increase of \$140,792 in the 2004 estimated sales tax revenue). Motion by Legislator Alden, seconded by Legislator Carpenter.

LEG. MYSTAL:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Mystal.

LEG. MYSTAL:

You're going to find that we're going to vote against this resolution not because we don't agree with them, it's because, one, every last one of them, six of them increases the sales tax revenue, one takes money from the police overtime and the other one reduces the police fees. I don't think it's because we disagree with them, it's because ••

P.O. CARACAPPA:

You disagree with the offset.

LEG. MYSTAL:

We disagree with the offset because we never had any •• you know, talked about it and negotiating about it and talk to us about it in any way, shape or form.

P.O. CARACAPPA:

It's duly noted.

LEG. MYSTAL:

So that's the problem.

P.O. CARACAPPA:

Okay. Anyone else? Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Pass.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Pass.

LEG. COOPER:

No.

P.O. CARACAPPA:

Yes.

LEG. BISHOP:

Is this on 12?

MR. BARTON:

Yes.

LEG. BISHOP:

Make mine an abstention, please.

LEG. VILORIA • FISHER:

Abstain.

LEG. BISHOP:

And on ••

LEG. COOPER:

Henry, make mine an abstention, please.

LEG. TONNA:

No.

MR. BARTON:

Nine.

P.O. CARACAPPA:

12 fails. Legislator Bishop?

LEG. BISHOP:

Mr. Chairman, I just wanted to relay to the Legislature that I spoke to County Executive Levy about that amendment and he stated that he would go forward with a program to use GPS to monitor, he just didn't feel that he needed to add more Probation Officers in order to establish the pilot program.

P.O. CARACAPPA:

It's duly noted.

Moving on to **13 (Adds \$100,000 for the purchase of 10 Mobile Data Computers (MDC) for new cars in the Sheriff's Office and \$50,000 in the Probation Department for soft body armor for Probation Officers. The cost is offset by an increase of \$150,000 in the 2004 estimated sales tax).** Motion by Legislator Carpenter, seconded by Legislator O'Leary.
Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Abstain, that's another one I agree with.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Abstain.

P.O. CARACAPPA:

Yes.

MR. BARTON:

10.

P.O. CARACAPPA:

It's approved.

Budget Amendment 14; it's been withdrawn, correct?

LEG. MONTANO:

Yes, that's correct.

P.O. CARACAPPA:

Budget Amendment 15 has been withdrawn, correct?

LEG. BINDER:

Yes.

P.O. CARACAPPA:

No. 16 (Increases Public Safety Revenue Sharing for East end and village police departments by \$451,795. The cost is offset by a reduction in police overtime). Motion by Legislator Caracciolo, second by Legislator Schneiderman. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

I duly noted the remarks by Legislator Mystal with regard to the offset reference and I did initially request Budget Review to prepare this resolution with an offset that would not appear to be inconsistent with the Legislature's goals of maintaining sufficient fund balances in the Police Department. However, we checked late yesterday afternoon and were informed that for this year we are approximately \$3 million right now below what's appropriated in the '05 budget for police overtime. Also, there is new police hiring taking place next year that one would

anticipate hold down some overtime costs.

Third, Commissioner Dormer has appeared before the Legislature; in fact, recently I received a letter of 25 initiatives that he's implemented in the Police Department where he's indicated a cost savings and the like. Taking all of those factors into consideration, while my would preference would still be to go elsewhere for an offset, and I'll once again ask BRO if there is an appropriate offset either in the social security account or something that's legitimate, not a bogus offset •• I appreciate where you're coming from Elie •• that I would consider that and make an amendment on the floor.

So Budget Review, given what many have said is a very flush budget for next year, is there somewhere we can find this money? Because here's what's happened. Villages in your district and the towns on the east end and the villages in other Legislative districts •• and there are more than 20 village Police Departments that are beneficiaries of these revenue sharing funds up in Legislator Cooper's district, your district, etcetera •• have been shortchanged by the Executive's presentation of the '05 budget. In 1997, Legislator Guldi and I sponsored a Local Law that amended what was then a practice and only a practice, up until then the practice said that we would provide revenue sharing money to all of those entities, there's 22 I think in total. Based on the fact that years ago we dedicated one•eighth of 1% of sales tax for the Police District, we felt as a Legislative body that that money should be shared with other public safety agencies in the County that do not provide police services for County residents, and we did that. In 1997 Mr. Gaffney decided he was going to entirely defund that revenue sharing. And God rest her soul, Maxine Postal and myself and this Legislative body joined together and we restored the money in '97 and in '98 George and I put in a resolution that's now law that no County Executive could ever do that again; those entities are guaranteed this money.

In that same Local Law, it stipulated that based on sales tax receipts, those revenues could either be increased or decreased. Now, we know we've had very robust sales tax receipts, and all this attempts to do, this \$450,000 or so, is to give the villages and towns their fair share of that increase; it's a very small amount but in those village and town budgets it's enormous. So I ask my colleagues for your support. Thank you.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. VILORIA • FISHER:

Mr. Chair, I'd like to ask a question of the sponsor?

P.O. CARACAPPA:

Go right ahead.

LEG. VILORIA • FISHER:

Mike, I'm a little confused because I thought the dedicated fund was a percentage of our sales tax receipt, a quarter of a cent, isn't it?

LEG. CARACCILO:

No, there's a dedicated •• under our sales tax receipts, years ago we requested get from all the ••

LEG. VILORIA • FISHER:

But what is it now?

LEG. CARACCILO:

It's one•eighth of 1%, it's still one•eighth.

LEG. VILORIA • FISHER:

It is, so it is a dedicated percentage.

LEG. CARACCILO:

For the Police District.

LEG. VILORIA • FISHER:

Oh, for the Police District.

LEG. CARACCILO:

For the Police District and there was a formula in this '97 resolution ••

LEG. VILORIA • FISHER:

Okay.

LEG. CARACCILO:

•• for the villages and towns. So what County Executive Levy did for next year is he kept the '05 levels at the '04 level.

LEG. VILORIA • FISHER:

So what you're saying is, because I had always thought that it was a percentage that went to revenue sharing.

LEG. CARACCILO:

For the towns and villages?

LEG. VILORIA • FISHER:

For the towns and villages.

LEG. CARACCILO:

It's based on a formula, and if Counsel could comment because when we look at the law ••

LEG. VILORIA • FISHER:

I thought the formula was a proportion and if sales tax floated up then the amount of revenue sharing floats up ••

LEG. CARACCILO:

That's right, and that's what this attempts to do.

LEG. VILORIA • FISHER:

•• based on that formula.

LEG. CARACCILO:

I mean, that's the bottom line here.

LEG. VILORIA • FISHER:

But I thought the formula did that and that's what's confusing. Maybe Budget Review ••

LEG. CARACCILO:

No, it's discretionary in the law, it discretionary.

LEG. VILORIA • FISHER:

Can Budget Review answer that question then? Because my understanding is that because we're working on a formula, that if our sales tax goes up then the revenue sharing floats up with that.

MR. ORTIZ:

There is no distinct formula, it's more or less a good will agreement.

LEG. VILORIA • FISHER:

Okay. And what is the good will agreement?

MR. ORTIZ:

It's basically set by the Legislature every year and for the most part it's just been at the same level from year to year.

LEG. VILORIA • FISHER:

Okay, so it's not a percentage.

MR. ORTIZ:

It's not a percentage, there is no formula.

LEG. VILORIA • FISHER:

Okay.

LEG. CARACCILO:

With all due respect ••

P.O. CARACAPPA:

Legislator Viloría•Fisher has the floor.

LEG. VILORIA • FISHER:

My question was answered.

LEG. CARACCILO:

Okay, then I have a question.

LEG. VILORIA • FISHER:

Thank you.

P.O. CARACAPPA:

There's a list.

LEG. CARACCILO:

But on that point, Mr. Chairman, just on that point so we can clarify it right now.

P.O. CARACAPPA:

Go right ahead, Legislator Caracciolo.

LEG. CARACCILO:

I appreciate that. Legislative Counsel, Mea, when I called you with regard to this matter you researched it and could you tell us what your research disclosed?

MS. KNAPP:

There was a formula for the distribution among the towns and villages and that formula was based on a 1997 allocation.

LEG. CARACCILO:

It's not a percentage it's a formula, and that's why, in response to Legislator Fisher, I said there's a formula. It's not based on an annual appropriation by the Legislature, there's a base line, the County Executive has funded the base line, but what this amendment would do, Mr. Chairman, would adjust the base line because, as we have done elsewhere in the budget, we would be giving the towns and villages more of their fair share of sales tax receipts.

P.O. CARACAPPA:

Right, but your approach isn't done based on any set formula aside from the 1997 bench mark number.

LEG. CARACCILO:

Correct.

P.O. CARACAPPA:

Understood. Legislator Mystal.

LEG. MYSTAL:

Thank you. There are two resolutions in here, two amendments to the budget resolution, 16 and 18, that I wholeheartedly support, my problem is raiding the police overtime fund and the police fees. And I will wholeheartedly support those resolutions if the sponsors, and that's Legislator Caracciolo and Legislator Carpenter and Legislator O'Leary, if they can find another source of funding. Your information is that we have plenty of money in the overtime account, my information is, which I got again from the County Executive, is that we are raiser thin on that account.

P.O. CARACAPPA:

No.

LEG. MYSTAL:

Well, I'm just saying, I just don't want to take the chance of raiding it. If you can find •• and if we don't do it today, if we don't do it today we have December coming up and we also have February, because I definitely think that we should give a little bit more money to our village police and I definitely think we can increase the thing. It's just the problem right now is it's a question of the funding source, so you find another offset for it and I am on board, you know, wholeheartedly.

P.O. CARACAPPA:

Okay, duly noted. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

This really is a fair share question, our sales tax revenues are higher than we thought, these Police Departments, the village Police Departments and the east end police departments are supposed to be getting •• taking advantage of that, too, when those numbers get high through our one•eighth percent. The right thing to do is to give them the money that they deserve.

Now, there's question about the police overtime. Though some have raised questions about using sales tax revenues as an offset, clearly this money is out of sales tax revenues. If some members would support it as a sales tax revenue offset, then maybe we could do it that way, but I think this thing needs to move forward and we have to do the right thing here.

P.O. CARACAPPA:

Okay, thank you. Was there a question; did you pose a question?

I'm sorry.

LEG. SCHNEIDERMAN:

Well, they're shaking their heads on the offset using sales tax, so you're not going to support it whether it's sales tax or police overtime.

P.O. CARACAPPA:

Okay. Legislator Caracciolo then Vilorio•Fisher.

LEG. VILORIA•FISHER:

Mike, would you mind yielding to me?

LEG. CARACCIOLO:

Certainly.

LEG. VILORIA•FISHER:

Very briefly, because I just wanted to clarify the answer that had been given before because there were a few people confused about. You know, those of us who think mathematically, when you say formula we're thinking of percentage. And there was a formula in 1997 which was used as a base, there is no formula used now. But extrapolating, using the formula from 1997, that's how you arrived at this 451, using that formula and applying that formula to the current sales tax figures you would arrive at this 451, but that's not formalized now, that's discretionary. So I just wanted to reword the response so that it was very clear what we were saying here, we don't have a formula in place now.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILO:

Again, I have to refer to Counsel because the law in '97 refers to a formula, but when you look at the resolution, there are no percentages, it was based on a past practice •• that's probably the best way to put this •• a past practice that it existed since 1993 when it was first implemented. So based on a passed practice and a base line number that was in use up to 1997, a resolution was approved by the Legislature that said •• took the discretion away from the Budget Office of the County Executive from ever tampering and attempting to remove the money altogether. So he's required now by law to submit a budget that includes funding for villages and town Police Department public revenue sharing, he has to do that. What he also has the discretion to do based on that law is he could either increase or decrease the allocation based on then current sales tax receipts. Jim, how much in sales tax receipts as a percentage go up this year?

MR. SPERO:

I believe this year they're projecting about 4%, next year 4.75%.

LEG. CARACCILO:

Four percent of an amount that as I recall is somewhere in the \$900 million range?

MR. SPERO:

Total, you know, General Fund sales tax receipts for 2005 will be over a billion dollars.

LEG. CARACCILO:

That's next year, I said this year.

MR. SPERO:

This year it's in the high 900 millions.

LEG. CARACCILO:

Okay. So 4% of that is how much money?

MR. SPERO:

That's about \$36 million.

LEG. CARACCILO:

Thirty•six million dollars and all we're asking for is \$450,000 to be shared with the villages and towns. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Roll call. Oh, Legislator O'Leary, my apologies.

LEG. O'LEARY:

Thank you, Mr. Chair. I just wanted to clarify with BRO just what exactly are the police overtime numbers that are being referred to in these conversations? The '04 police overtime was what?

MR. SPERO:

Eight •• I think it was 18.3 estimated for '04 and for '05 in the Police District 18.8 is budgeted.

LEG. O'LEARY:

18.8.

MR. SPERO:

These resolutions would reduce that funding to offset other costs.

LEG. O'LEARY:

These resolutions would reduce that 18.8 some six, 700,000?

LEG. CARACCILO:

Four hundred.

LEG. O'LEARY:

Well, no, your resolution is 400.

LEG. CARACCILO:

Oh, okay.

LEG. O'LEARY:

There's another one, 18 that reduces it by some 256,0000.

MR. SPERO:

That's right.

LEG. O'LEARY:

So in effect what we're ••

LEG. CARACCIOLO:

It's more than that, right?

LEG. O'LEARY:

So it's about \$700,000 that we're looking to reduce in police overtime in '05 from 18.8 to 18.1; is that pretty much what we're ••

MR. SPERO:

If these resolutions pass.

LEG. O'LEARY:

Okay. Thank you.

LEG. CARACCIOLO:

Final point, Mr. Chairman. You know, I think it's important to reiterate what I felt was the justification earlier. We're hiring police officers and let me pose a question; was there a budget amendment or some other action that added an additional 10 police officers?

LEG. CARPENTER:

Not yet.

P.O. CARACAPPA:

It's coming up, there's a budget amendment ••

LEG. CARACCIOLO:

Okay, that's yet to come, okay.

P.O. CARACAPPA:

Yep, a couple of more.

LEG. CARACCIOLO:

In total, we anticipate hiring a total of how many new police officers in '05, 150?

P.O. CARACAPPA:

In '05 there's a class of a hundred, fifty and fifty, and then there's •• subsequent today, subsequent resolutions to add another 20, ten per class.

LEG. CARACCIOLO:

Okay. Overall strength, in the Police Department, with retirements, etcetera, where are we in terms of staffing levels? I mean, are we pretty much at historical highs? I know we're nowhere near lows, you know, we're not down to 2,000 police officers like we were ten years ago, 14 years ago.

P.O. CARACAPPA:

Legislator •• the chairman •• the Chairperson of the Public Safety Committee I think has an answer for you.

LEG. CARACCIOLO:

Thank you.

LEG. CARPENTER:

When the Police Commissioner came before the Public Safety Committee he stated that we are at •• and I forget the exact number but it's less than 2,700. But that in 2005 there were 695 officers ••

LEG. CARACCIOLO:

Wait a second.

LEG. CARPENTER:

•• that were eligible to retire. He had requested 111, he felt he could make due with 111, the County executive gave him 100 and he said he could make do, but anyone who's been here a while knows that that certainly isn't going to be enough to make up for those that are retiring

through attrition and whatever reason.

LEG. CARACCILO:

Right. Mr. Chairman, if I may? One might assume that if those •• one, you've got to acknowledge that there are 685 police officers that are eligible to retire, but then you have to look at historically how many retire. And I've been hearing this every so often, we haven't heard it recently in recent years, but we've got to go back, as Allan Binder will remember, 10 12 years ago when we used to hear the Executive come in here and say, "oh, we stand to lose," in those days it wasn't 600, it was about three or 400 people that were eligible, but it was on a much smaller number, we were down to about 2,100 police officers in those days. So as a proportion of the total it's about the same, so you've got to keep that in context. You remember those discussions, Elie.

So that said, I think it tends to intimidate Legislators if you say, "Oh my God, we are going to lose up to 600 police officers," and when you figure in severance pay, but more importantly, when you figure manpower loss, we're going to have to put everybody else on, you know, excessive amounts of overtime. Number one, I'll predict we're not going to see anywhere near two or 300 retirements next year, okay. And there's a lot of reasons why police officers retire, having been one I know what those reasons are. So Jim, just a final question, what's the current strength of the Police Department?

MR. SPERO:

As of September, the sworn staff was at about 2,600 and January of this year it was at 2,726.

LEG. CARACCILO:

What do you mean 726?

MR. SPERO:

Two thousand seven hundred and twenty•six sworn staff in January of this year.

LEG. CARACCILO:

So we're up.

MR. SPERO:

No, it's down.

LEG. CARACCILOLO:

Oh, you say we're doing.

MR. SPERO:

To about 2,600 in September of this year.

LEG. CARACCILOLO:

Okay, so we had about 126 retirements. There you go, Ladies and Gentlemen. Don't let that 685 figure intimidate you. Thank you.

P.O. CARACAPPA:

Thank you. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARACCILOLO:

Yes.

LEG. SCHNEIDERMAN:

I want to make a motion to recess for five minutes.

LEG. COOPER:

Second.

P.O. CARACAPPA:

Okay. There's a motion to recess and a second. Roll call.

LEG. TONNA:

Come on, we all know how we're going to vote on this.

(*Roll Called by Mr. Barton • Clerk*)

LEG. SCHNEIDERMAN:

We're voting on the motion to recess; there's a roll call on it? Yes.

LEG. CARPENTER:

On the motion to recess. We were in the middle of a roll call, and I understand earlier that we couldn't just ••

P.O. CARACAPPA:

It's true.

LEG. CARPENTER:

•• make a motion to recess in the middle of a roll call. So we either make a motion to table this for five minutes and then request a recess, but you can't ••

LEG. CARACCILO:

Motion to table five minutes.

P.O. CARACAPPA:

There's a motion to table the bill for five minutes.

LEG. SCHNEIDERMAN:

Second.

P.O. CARACAPPA:

And a second; right, the amendment. All in favor? Opposed? Abstentions?

LEG. TONNA:

Opposed to tabling?

P.O. CARACAPPA:

Yeah, to table the bill for five minutes.

LEG. TONNA:

I'm opposed.

P.O. CARACAPPA:

I'll oppose too.

MR. BARTON:

15.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

It's tabled for five minutes. Now is there a motion to recess?

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. CARACAPPA:

There's a motion to recess. Is there a second? Is there a second?

LEG. CARACCIOLO:

Five minutes?

P.O. CARACAPPA:

Is there a second? Fails for lack of a second.

LEG. CARACCIOLO:

What do you mean it fails?

P.O. CARACAPPA:

I said it three times, I didn't hear a word.

LEG. SCHNEIDERMAN:

I made a motion, he made a second.

P.O. CARACAPPA:

There's a motion and a second. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. O'LEARY:

Yes. For five minutes? Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Is there food out there? If there's food, yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No food, no.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

No.

MR. BARTON:

15.

P.O. CARACAPPA:

Five minute recess.

[BRIEF RECESS TAKEN: 1:34 P.M. • 1:41 P M.]

P.O. CARACAPPA:

Roll call.

(* Roll Called by Mr. Barton • Clerk *)

LEG. CARACCIOLO:

(Not Present).

LEG. SCHNEIDERMAN:

(Not Present.

LEG. O'LEARY:

Here.

LEG. SCHNEIDERMAN:

Legislator Schneiderman is here.

LEG. BISHOP:

Let the record show there was no food.

LEG. VILORIA • FISHER:

Here I am.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not Present).

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

16 present.

P.O. CARACAPPA:

Thank you. We're on Budget Amendment 16, there's a motion and a second. Roll call.

(* Roll Called by Mr. Barton • Clerk *)

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Pass.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

Pass.

LEG. MONTANO:

No.

LEG. ALDEN:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Pass, please.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Abstain.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

No.

LEG. O'LEARY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. BISHOP:

No.

MR. BARTON:

8.

P.O. CARACAPPA:

Fails.

No. 17 • (Adds \$840,000 for rental of county buildings for the bay Shore Health Center. The cost is offset o by a \$840,000 in the 2004 estimated sales tax revenue.)

Motion by Legislator Alden, second by Legislator Carpenter. Roll call.

(* Roll Called by Mr. Barton • Clerk*)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

Abstain.

LEG. NOWICK:

Yes.

LEG. BISHOP:

I'll vote yes.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Pass.

LEG. COOPER:

No.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

It's approved.

No. 18 • (Adds \$882,127 for 10 additional police recruits to each of the 2005 two scheduled police classes. The cost is offset with a reduction of \$256,127 in police overtime and \$626,000 reduction in police fees for services.) Motion by Legislator Carpenter, second by Legislator O'Leary. Roll call.

UNKNOWN LEGISLATOR:

(Inaudible).

LEG. CARPENTER:

On the resolution?

P.O. CARACAPPA:

18 is •• it shouldn't be conflicted.

LEG. CARPENTER:

Well, it is conflicted, we just have to change the amount, the reduction from •• it would be from police overtime; correct Jim, that would be the only way that we could do this because you can't comingle the funds?

MR. SPERO:

Yeah, you'd have to •• if you're not going to raise taxes you'd have to find another offset within the police budget.

LEG. CARPENTER:

Right, okay.

P.O. CARACAPPA:

There's a motion to amend.

LEG. CARPENTER:

So ••

P.O. CARACAPPA:

Just a procedural motion; do we have to amend Omnibus?

MR. SPERO:

No.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

Okay.

LEG. CARPENTER:

No, it would just amend this budget amendment to reflect the correct amount that we will be offsetting the additional cost by reduction in the police overtime. And it was stated earlier that 18.3 was the amount used last year, 18.8 is being budgeted, so there certainly is sufficient revenue. And with the additional police officers there will be less need for police overtime.

P.O. CARACAPPA:

So the ••

LEG. CARPENTER:

And one other thing I do feel I need to state is that when the Police Commissioner came before the committee, he did say that he had requested a 111 positions and we heard from testimony earlier that 126 police officers retired, that we are down from 2,726 to 2,600 since January. So that this is really just a band•aid to stop the bleeding, it really isn't going to address the fact that we need more than that, but this was a reasonable amount to start with.

P.O. CARACAPPA:

So the motion is to amend and approve as amended.

LEG. CARPENTER:

Correct.

P.O. CARACAPPA:

That's what the motion will be, one vote.

LEG. CARPENTER:

And I would just like to state if there is a problem with using this as an offset, I'm prepared to change it and just have it be a straight add because I feel that strongly that we need to add

more police officers.

P.O. CARACAPPA:

Motion.

LEG. VILORIA • FISHER:

On the motion?

P.O. CARACAPPA:

On the motion, Legislator Viloria • Fisher.

LEG. VILORIA • FISHER:

Budget Review, we've seen two stand-alones that are using police overtime as an offset; is there extra money in that line in the budget, Jim?

MR. SPERO:

No, we didn't identify that as a potential offset.

LEG. VILORIA • FISHER:

In other words ••

MR. SPERO:

Yeah, it's being used ••

LEG. VILORIA • FISHER:

We should not be raiding that fund, we don't have extra money in that fund.

MR. SPERO:

We didn't identify offsets within the Police District budget to offset additional expenses. The two places you could go to offset additional costs is the sales tax which is at the max so you can't increase that, or raise property taxes. So if their overtime budget is reduced, the Police Commissioner will have to live within the budget he's given by the Legislature.

LEG. VILORIA • FISHER:

Okay. But as it stands it doesn't •• we don't have a flush amount in the police overtime

budget.

MR. SPERO:

We didn't recommend reducing it.

LEG. VILORIA • FISHER:

Okay. Thank you, Jim.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Just along those lines, I know the recommendation initially was not to reduce it but that there seemed to be a comfort level that they could live within the \$18.3 million that they would have remaining, especially if they were having increased police officers on the street, that certainly would effectuate a reduction in the need for police overtime; wasn't that the case, Jim?

MR. SPERO:

To the extent that the officers might be available during 2005, overtime might be effected, but the October class won't impact overtime at all because •• .

LEG. CARPENTER:

Right, but we're also talking about adding some in March, so.

Thank you.

P.O. CARACAPPA:

Thank you. There's a motion to approve Budget Amendment 18 as amended. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

Absolutely.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Pass.

LEG. COOPER:

No.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Oh, yeah, this is mine, yeah.

MR. BARTON:

10.

LEG. TONNA:

We got it Social Services.

P.O. CARACAPPA:

That was 18, ***Budget Amendment 18 is approved.***

No. 19 • (Adds \$1,902,216 to create 44 positions in Social Services for 9 months. The cost is offset by an increase in the 2005 State and Federal Aid of \$902,571 and an increase of \$999,645 in the 2004 estimated sales tax). Legislator Tonna; motion by Legislator Tonna?

LEG. TONNA:

Yep.

P.O. CARACAPPA:

Is there a second? Is there a second?

LEG. TONNA:

There was a second; Jay, you're not a second?

LEG. SCHNEIDERMAN:

I'm seconding it.

P.O. CARACAPPA:

Seconded by Legislator Schneiderman.

LEG. CARACCIOLO:

Roll call.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

I understand that there's already commitments from Legislators not to vote for this, but all I can say is I just would like to •• I'd like just to read one paragraph simply that everybody in the Health & Human Services. We know that the Commissioner of Social Services was not able to advocate beyond what they told her from the Executive Branch of what they were going to give her.

LEG. CARACCIOLO:

Why? She's ••

LEG. TONNA:

The Legislature already put in, and I think correctly, 25 positions in the Department of Social Services. We know that the caseloads, okay, as per the testimony of Cheryl Felice who's the head of AME and others that the caseloads for people working in Social Services, specifically child protection workers, child enforcement, all of those, are at an all•time high and way beyond the standard that New York State sets.

When Budget Review on page 403 in their analysis said, "DSS did not request the staff needed to meet all of the mandates, all the mandates in 2005. Significantly more positions would have to be requested for many of the direct service operations and supporting functions in Social Services had been allowed to do so. The department, following the direction of submitting a zero growth budget for all of its discretionary expenditures in 2005, despite the fact the majority of the department's workload is mandatory, there are relatively few mandated positions. Building a staff plan for 2005 was based upon the constraints of the personal funding," yada, yada, yada, yada. The important part here is that when Budget Review went through 69 positions just for Social Services to meet its mandates, we're putting in 25, it does not go far enough.

Now, I understand that when you're crafting a budget and you want the Executive Branch to make sure they don't veto certain things that, you know, deals have to be made. I asked •• I just ask you to think about it. The deals should not be made on the backs of children who are being abused. The 69 positions are what our Budget Review, not what I said, not what anybody else said •• the Commissioner, when asked a direct question from Social Services, said. "Yes, I can use the positions. I can use them, I need them;" she said that and everybody in the committee knows that she said that who sat there and listened to the testimony.

All I'm asking you to do is 75% of these mandated positions are paid for by the State, I'm asking you, please, think twice about this. We're talking about little children, we're talking about having the Department of Social Services function correctly, they need staffing to do that. Please, whatever deals you've made, whatever thoughts you've had or whatever else, let's do it somewhere else, not on the backs of little children. Thank you.

P.O. CARACAPPA:

Legislator Montano then Losquadro.

LEG. MONTANO:

Just a question to Legislator Tonna. It's my understanding that these 44 positions are paid for 50% by the County and 50% reimbursable?

LEG. TONNA:

I don't know what the 25 positions are, I'm looking through the list ••

LEG. MONTANO:

Up to 44 ••

LEG. TONNA:

•• the vast majority of positions in the 69 positions are 75% reimbursable by State and Federal, okay? So I don't know if they _culled through and cherry•picked_ only those that are, you know, 50% or whatever else, but we're talking about a small amount of money when we have the resources. The County has the resources now, this is the time to fix it. This is the time that we say, "Hey, let's not have kids getting the, you know, beaten out of them, all right, let's not put our caseworkers in the position where, you know, you hear it in Social Services, if you sit in the committee you'll hear it, people wait months to go through the process of getting whatever else. You know, how much tension can we put on our CPS workers and others in the Social Services Department? It's dysfunctional, you can't manage, you can't manage without the resources. A few positions, it's a good thing, it's not a bad thing. Rethink your commitments.

P.O. CARACAPPA:

Thank you, Legislator Tonna.

LEG. CARACCILOLO:

I like those last words.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

My question was along the same lines that Legislator Montano had as to what the exact level of reimbursement for these positions are, perhaps Budget Review could answer that, and will this put us above any sort of cap in aid that the State will provide for these type of positions? Because this is a lot of positions.

MR. SPERO:

The resolution was prepared, the positions are offset with about 47% aid. And the answer is yes, we are at a number of administrative caps, sometimes the County can get additional

reimbursement depending on if additional aid becomes available. But the way this resolution is prepared, we've assumed about a level of 47% Federal or State aid reimbursement overall.

P.O. CARACAPPA:

Okay?

LEG. LOSQUADRO:

Thank you.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. TONNA:

Is he going to support it? I didn't hear what he said.

LEG. VILORIA•FISHER:

Forty•seven percent reimbursable.

LEG. TONNA:

Great.

LEG. VILORIA•FISHER:

But there are administrative caps on certain positions that won't be reimbursed, but I want to get back to what Legislator Tonna was talking about earlier. I sit on the Health & Human Services Committee and certainly I know as much as anybody how important it is to have these positions for the Department of Social Services, but there are some practical questions involved here. We've put 25 positions in the Omnibus and we have to consider whether or not there's a list from which they can hire, how many people can be hired off a list, off Civil Service lists, how quickly can Social Services hire people? I don't know if they would be able to even hire 69 position within this year, I don't know if they can hire that many people.

LEG. TONNA:

Put me on the list, please.

LEG. VILORIA • FISHER:

Mr. Chair, can I ask •• is there somebody from Civil Service here? Could I ask Cheryl a question about that, could I ask her to come up?

P.O. CARACAPPA:

It's the union official; you want to ask the governmental?

LEG. VILORIA • FISHER:

No, I just want to ask how long it takes to hire people, that's all I want to ask.

P.O. CARACAPPA:

Well, to be quite honest with you, in this instance they'll never get hired because the County Executive has to sign the forms to hire them.

LEG. VILORIA • FISHER:

Well, the SCIN forms have to be signed.

P.O. CARACAPPA:

Right.

LEG. VILORIA • FISHER:

Okay, but we also hire these people off Civil Service lists.

P.O. CARACAPPA:

Right.

LEG. VILORIA • FISHER:

And it takes •• after someone takes an exam, it takes at least six months to start the hiring process and the interview process. And if I could just Cheryl to just answer the question about how long the process takes.

P.O. CARACAPPA:

That's why they're only budgeted for nine months here.

LEG. VILORIA • FISHER:

I think it would take more than that to hire the people. Sixty•nine is a lot of positions and I don't think it's realistic to think that we would be able to get to 69. I think 25 was a very reasonable number of people to raise the staffing in Social Services right now, it makes sense and we're very supportive of that. I don't think we would be able to reach 69.

P.O. CARACAPPA:

Thank you. Legislator Tonna.

LEG. TONNA:

I just would like to respond to that and say, first of all •• and I know, Joe, Michael, you probably remember and Legislators who were here a few years ago, if you remember when we could do 69 positions, do you remember when we had a crisis situation and they were able to hire those people within a very few set of months, like that, okay?

LEG. CARACCILO:

Three months.

LEG. TONNA:

Like that, lickitty split. For an excuse to say that there's an administrative problem that you can't hire enough people to protect children, that doesn't wash. You can hire those people, you could budget for them, actually it's less money. Legislator Fisher helped make the argument for me that we don't even have to worry about the certain amount of money because there's turnover savings issues. So you get the Civil Service, this is a budget plan, all right, and the plan is saying children are a priority, poor people are a priority, single mothers who are a priority, homeless are a priority, that's what this says. These aren't the people who can come down, all right, they're not the rich and famous, they're not the well connected, they're not anything like that. I didn't make up the numbers, Budget Review after analyzing the budget. The Commissioner, when pressed, she didn't want to come out and say because it obviously she works for the County Executive, you know, under the County Executive, but when pressed she said, "Hey, we really need the positions." And she said testified that when she got the 15 positions, remember, with the nursing homes, that they went from 80 something days of admissions down to 10 or 12, whatever the testimony is, that actually good people working in positions, qualified and trained, make a huge palpable difference in the function of the Social

Services.

So I would ask my colleagues once again to reconsider and think about this. This is well spent money, we all know we spent money in a lot of different places, please reconsider this, this is a really vital need. And you know what? It's then Mr. Levy's and Commissioner DeMarzo's job to get the people trained, to get the things •• and I'll fight that fight. If the County Executive doesn't want to sign SCIN forms, okay, let's fight that fight, that's a fight worth fighting, isn't it? That's one of the things of public service, this is the thing that we're about. Let's stand up for the poor people who don't have a voice and especially children.

P.O. CARACAPPA:

Legislator Caracciolo?

LEG. CARACCILOLO:

Thank you, Mr. Chairman. I'd like to request Mr. Zwirn to come in because this really speaks to a public policy. This administration prides itself on being cost effective, cost efficient and really providing more for less to County residents. And the truth be told, the budget that was approved today really is a result of all of us being very fortuitous with sales tax receipts growing much more than they were anticipating eight or nine months ago. Yes, the Legislature and the Executive joined together back in March, passed a \$90 million Deficit Reduction Act, but that was a very small piece of why we're in such good shape today.

So I'd like to hear from the Executive why they have not heeded the repeated request of officials in DSS to provide these staff resources. It makes no sense financially not to put these individuals in place. You're talking about caseloads, you're talk about jeopardizing the health and welfare of children, you're talking about stressing all other factors upon the existing employee work force. I don't understand how anyone around this horseshoe cannot be sympathetic and do the right thing. Jim, what is the net cost if this resolution is approved, to the County?

MR. SPERO:

It's almost a million dollars for the cost of the additional positions, net County cost.

LEG. TONNA:

Wait, wait, wait, that's if they hire everybody on January 1st, right?

MR. SPERO:

Well, if they hired everyone April 1st.

LEG. TONNA:

Okay.

LEG. CARACCILOLO:

Yeah, three months, there's a three month lag. That's what happened the last time, by the way.

LEG. TONNA:

Right.

LEG. CARACCILOLO:

And I remembered Legislator Binder's resolution at that time for Child Protective Service personnel. The right thing to do then is the right thing to do now. And I supported enthusiastically an initiative for the environment a short time ago by Mr. Lindsay to put a million dollars into an RFP process to regain the health of our bays, we're talking about the health of our children. This is a vote against children, anybody who votes against this resolution.

D.P.O. CARPENTER:

Thank you, Legislator Caracciolo. Legislator Binder.

LEG. BINDER:

Someone who ••

LEG. LINDSAY:

Maybe we can hear from Mr. Zwirn.

LEG. CARACCILOLO:

Oh, I'm sorry, yeah.

D.P.O. CARPENTER:

I apologize, I didn't see that you were sitting behind there.

LEG. CARACCIOLO:

Thank you, Madam Chair.

D.P.O. CARPENTER:

So Legislator Binder, you're up next, as soon as he's finished.

LEG. CARACCIOLO:

Allan, do you mind yielding?

D.P.O. CARPENTER:

A question for Mr. Zwirn?

LEG. CARACCIOLO:

Yes. Ben, I mean, how do you square, how do you reconcile, you know, you have a department head, what is the •• first of all, let's do some numbers here so everybody has some perspective of what DSS budget is like and what the impacts are. Is the concern that we would allocate a million dollars in County resources next year for staff personnel costs and benefits? Does it just •• that investment is not justified by the return? I mean, what's the rationale here, what's the public policy rationale?

MR. ZWIRN:

Well, I think that there are 51 SCIN forms, there are 51 •• there's 51 personnel being added to the department as we speak that's in the pipeline.

LEG. CARACCIOLO:

That's great.

MR. ZWIRN:

You've added 25 more in Omnibus. The 44 positions that we're talking about here, 22 are in Medicaid and there are only two were for Child Protective Services.

LEG. CARACCIOLO:

Okay. But ••

LEG. TONNA:

What's wrong with Medicaid? That needs to be done.

MR. ZWIRN:

No, I'm just saying ••

LEG. CARACCILOLO:

Ben, have you ••

MR. ZWIRN:

•• the way it says it is it's just all dedicated for children, Child Protective Services.

LEG. TONNA:

Is there a policy against Medicaid?

CHAIRPERSON CARPENTER:

Excuse me, could we •• one at a time; Mr. Zwirn.

LEG. CARACCILOLO:

Thank you. Mr. Zwirn?

MR. ZWIRN:

No, I'm just trying to make the record clear.

LEG. CARACCILOLO:

I'm sure you've had an opportunity to peruse at least the Budget Review analysis of the 2005 budget; have you specifically had an opportunity to focus on their recommendation that Legislator Tonna has advanced today?

MR. ZWIRN:

I understand that there were comments made in the executive summary, but I don't know if

there was backup provided in the BRO report asking for ••

LEG. CARACCILOLO:

Okay, then let me go to BRO and ask them that. Jim, what is the rationale behind these positions and what are the costs associated with doing this versus not doing it?

MR. SPERO:

Well, the rationale is based on the department's need for staff to meet their mandates, service mandates for the various programs and so forth.

LEG. CARACCILOLO:

Which goes back •• let me just interrupt you there and then I'd like you to continue. This goes back to what Mr. Tonna said earlier, this is a mandate; are we ignoring a Federal and State mandate by failing to provide the personnel resources? Jim, is that what happens if we don't fund these positions?

MR. SPERO:

Yes, the department ••

LEG. CARACCILOLO:

We're ignoring a Federal and State mandate.

MR. SPERO:

Well, there will be backlogs, the department will have backlogs in processing paper work.

LEG. CARACCILOLO:

And what does that mean? You know, people hear backlogs because children are involved; oh, you know, they're not a constituency that can come down to the Legislature and cry wolf. What does that mean?

MR. SPERO:

Well, one of the things it means is that the department won't have the resources to go over their caseloads and check cases that should be closed.

LEG. CARACCILO:

But what does it mean to the health and welfare of children?

MR. SPERO:

Well, if you can process the cases more quickly you can effectuate a more positive outcome vis
•a•vis these cases.

LEG. CARACCILO:

Okay, so there's a positive outcome on children in this County by having these positions in place. What about cost; do we incur any additional cost by not filling these positions?

MR. SPERO:

Well, obviously a net County cost of about a million dollars, as I stated earlier. The cost we can't identify is the cost that may be saved by more expeditiously processing cases, looking for cases that should be closed that they don't have the staff resources to do right now.

LEG. CARACCILO:

So cases that should be closed that are not closed actually cost us in resources financially.

MR. SPERO:

Right.

LEG. CARACCILO:

Okay. But we can't ••

MR. SPERO:

That's one of the points we made in our review.

LEG. CARACCILO:

We can't quantify that, can we?

MR. SPERO:

No, not as we speak, but if we had more and more positions and acting more proactively, the County might be able to save money in caseload costs.

LEG. CARACCILO:

The total DSS budget County share is how much, 312 million next year?

MR. SPERO:

The total budget is \$626 million.

LEG. CARACCILO:

That's total, I said County.

MR. SPERO:

I have to look in our report for the net County.

LEG. CARACCILO:

I believe our Medicare and Medicaid costs are up over \$300 million next year. So, you know, this is not an insignificant amount of money, this is not a program that has costs of, you know, a million dollars and if you don't do something about it, well maybe it will cost you a few thousand. We're talking about a multi-hundred million dollar program here that when you don't provide the resources, first and foremost, you're hurting children, you're hurting children, you're hurting children, and I don't know how any Legislator can ignore that fact. I'd love to run against you next year •• vote against this resolution, you're giving an opponent in the future a great issue to take you to task on.

D.P.O. CARPENTER:

Thank you.

LEG. CARACCILO:

I'm waiting for the number, I'm waiting for the number.

D.P.O. CARPENTER:

Oh.

MR. SPERO:

It's over 300 million net County cost.

LEG. CARACCILO:

Yeah, I believe it's 312, but again, Madam Chair, these are very significant numbers. And I cannot believe that, you know, historically members of the Democratic party have championed these causes and today they are abandoning them.

LEG. TONNA:

Absolutely.

LEG. CARACCILO:

They're abandoning the children of Suffolk County, shameful.

LEG. TONNA:

Absolutely.

D.P.O. CARPENTER:

Thank you, Legislator Caracciolo. Legislator Binder.

LEG. BINDER:

Thank you, Madam Chair. I have been here 15 years, 10 years as Chairman of the Health & Human Services Committee. I take objection to those who would characterize this vote as against children, that you're hurting people, I mean, we've heard this and I've heard it over and over again. Sometimes we need positions and we have in the past delivered them, sometimes it was my resolution which took 15 votes to get them, but what we're talking about here is putting in 44 positions over the 25 that we've already talked about putting in. One of the reasons the budget group that was together decided on this particular number I think has a lot to do with the ability of the department to absorb the positions. The question with the departments even having the ability to supervise, can you imagine having 44 brand new people all at once plus the 25? So we're talking 44 plus 25, all positions, none of them will be supervisory in nature so they all need supervisors, so if you find out from the department you'll find out that they wouldn't have enough supervision to oversee these brand new people.

So you're saying •• you know, I understand Budget Review says we're going to find possibly new files to close, we'll have more people looking over it, but remember who these people are, they'll be brand new. Brand new people and I can tell you there's a big attrition rate, but those

people who get in are brand new and need supervision, they can't just •• this is not for the faint •hearted, it's very difficult to do these jobs and you need supervision to do them; they won't have it, they won't be able to absorb it. And so what we're talking about here is a feel good thing, this will make us feel good, you'll be able to say, "Look, I helped the children." Even though if you know in the end you don't, give them a manageable and reasonable amount is what we've decided in this Omnibus, we've given them a reasonable amount.

Now, if we get to the middle of next year and we find that the Social Services Department has absorbed what we've given them, has found a way to supervise them properly and still needs more, then we can deal with that during the year. This budget is not so tight that we're not going to find room. And at that point we can decide, with the advice of the department, after they've seen the experience now that they have bringing on the new people, how long it took them, how long they trained them, what the attrition rate is, what the supervisory requirement is, if they look at all that and they say, they come back to us and say, "We need another 10, 20, 5, whatever the number is, I am very confident that this Legislature will find 18 votes to give them what they need, we will find the money in the budget to do it. But to characterize this as anti•children, as a terrible thing, as abandoning our role to protect the children, I don't know, it's demagoguery •• to be honest with you, it is a demagoguery of the worst order. Don't use these children to make us feel good politically, to me this is using the children. Let's not use them, let's do what's right, let's do what's right as a Legislature. We did it in Omnibus, we did the right thing, now we'll monitor it and we will watch during the year, it is my commitment. If they come back and say they need more, we will be as a Legislature ready to give them what they need.

D.P.O. CARPENTER:

Thank you, Legislator Binder. We have a list, I'm on the list. The one thing •• you know, I've listened to the debate on both sides of this and one thing I think we need to keep in mind is something that Legislator Tonna started his comments with and that was that this is recommended by Budget Review. This is recommended by the independent Budget Review Office that we've come to revere and respect their opinion and they feel that these were the positions that were necessary.

Earlier today the President of AME, Cheryl Felice, came up and gave us a report on the budget

and their perspective of it and there were some very interesting statistics in there and one or two I'd like to recite is the fact that over 25% of our County employees are over age 55 or older, making them for the most part eligible to retire. That when caseloads and work loads increase, apart from the disservice that we would be doing to these families and children and everyone else that Legislators Caracciolo and Tonna sited, we're doing a disservice to our County employees. I'm just waiting for some order. We're doing a disservice to our County employees. And when staffing levels fall behind, as this report so adequately sites, we get increased overtime, greater reliance on temporary staff which never services those that need to be serviced as well as permanent staff do, increased contracting out, increased backlogs, lower employee morale and that's something we need to be concerned about, and often services are not being provided at acceptable levels.

Ladies and gentlemen, I have to agree with Legislator Tonna, Legislator Caracciolo and everyone who's on this side of the issue, this is the right thing to do. Next we have Legislator Schneiderman.

LEG. TONNA:

Thank you, Legislator Carpenter.

LEG. SCHNEIDERMAN:

A few moments ago a Legislator talked about how if presented with the needs that this Legislature would do the right thing. And I want to remind you when Bob Gaffney ••

(*Cell Phone Rang*)

LEG. SCHNEIDERMAN:

There ought to be a penalty for that.

LEG. TONNA:

It's an intro to your important point.

LEG. SCHNEIDERMAN:

I want to remind you that when County Executive Gaffney put in a budget over a year ago, or just a year ago, he had this funding in place for these positions and this Legislature took the

funding out. What's presented here is not what the Department of Social Services needs, it's what they've needed years ago. These projections were based on what County Executive Gaffney put in the budget, they're old. This department and the needs of this department, their caseload is growing at such a fast rate that five years ago, it's grown since then, it's three times higher their caseload and the funding, the staffing levels are basically the same as they had five years ago.

When we talk about how this effects kids and somebody said, "Oh, it doesn't really effect children"; well, I've talked to providers, health care providers, it does effect kids. When you have families on Child Health Plus or Family Health Plus and those kids are eligible to receive funding, Medicaid funding, and because their applications aren't being processed in a timely fashion, they cannot get the funding that they're entitled to, they either go without medicine or they fund it out of their pockets and these families cannot afford to fund •• they cannot fund the medications that they need, so this has a direct impact on families of this County. And let's face it, the County •• you know, not everybody is doing great financially, you know, we see more homeless, we see more people falling into poverty. And to try to freeze this Department of Social Services at these five year old levels of funding is a terrible disservice to the people who need it the most. And I think if we're going to evaluate the kind of job we're doing, it's how we take care of people who need it the most.

D.P.O. CARPENTER:

Thank you, Legislator Schneiderman. Next, Legislator Vilorio•Fisher followed by Legislator Lindsay.

LEG. VILORIA•FISHER:

I would hardly call adding 25 positions freezing, and we have done that in the Omnibus, that was a very responsible approach. I need to agree with Legislator Binder who said that adding 69 positions is probably adding more than can be handled by the Department of Social Services. Last year when we had additional positions that we saw were needed in order to correct the backlog, part of the problem that we faced at that point in time was that we had so many new employees and the training period is such that we required more supervisory positions, more experienced workers to help with the caseload while the new employees were being trained, that we hired people in the middle of the year in order to help lower those caseloads while those new employees went through the training process.

I believe that the prudent way to approach this is the suggestion that was posited by Legislator Binder which was let's start from the point of 25 positions. As we move through the year and we see how those positions are filled, trained, moved forward, and as the needs arise we will add to the contingent of workers within the Department of Social Services. It's been very clear throughout my tenure here that children are a priority in my policy making. However, I don't think it benefits the children, as Legislator Binder said, to use them as a pawn in a political discussion, it's really not fair. Well, some •• it has ••

LEG. TONNA:

It's not a political discussion, this is a governmental discussion.

D.P.O. CARPENTER:

Excuse me, excuse me.

LEG. VILORIA • FISHER:

I have the floor.

D.P.O. CARPENTER:

She has the floor.

LEG. VILORIA • FISHER:

Thank you, Madam Chair. We care about the children, we need to do the prudent thing here and give the department the number of positions that they can handle and if we see the need, later on in the year we can add those positions then.

D.P.O. CARPENTER:

Thank you. Legislator Lindsay.

LEG. LINDSAY:

This is certainly a very passionate debate. During the working group that met, which I was one of the people that worked on this and I really •• I think I missed the first meeting, other than that I was there every time. And Ladies and Gentlemen, we added back \$7 million to this budget, a lot of the things that we added back certainly this probably should have taken priority over the money we added back. It came up at the eleventh hour; I attended a Social Services and Health Committee meeting and found out about it. Yeah, it's in the Budget Review Report

but it's combined with a lot of other things. It wasn't flagged as a priority and it was added at the eleventh hour, the 25 portions, and the people that served on that will testify what I'm saying is true.

The other issue is something that Ben Zwirn mentioned before and I found out this morning, is that the County Executive told us this morning he signed 51 SCIN forms to hire people in Social Services I guess before the end of the year, it must be a leftover from the 2004 budget, and we added 25 we tried; we tried to do the best we could with it at the eleventh hour. I mean, for us to continue to be spending money and cutting in to projected sales tax revenue that we don't know is there I don't think is responsible, I really don't think it's responsible. I would be •• you know, somewhere's midstream next year I would be perfectly amenable to supporting this if we can get testimony that Social Services can handle another 44 on top of the 76 now that are in the hopper with a different offset rather than sales tax, and I would be happy to give up pet projects that I've put in the budget myself.

D.P.O. CARPENTER:

Thank you. Legislator Montano.

LEG. MONTANO:

Sitting here listening to the debate, I want to thank Legislator Tonna for being so passionate on this issue and addressing concerns that he doesn't necessarily have to address. But to use the argument that somehow we shouldn't hire people because we don't have the ability within the department to administer hiring new positions seems to me to just divert the issue from whether or not •• as to whether or not •• the issue is whether or not we need the positions and whether or not the money that we're going to spend is well spent on this issue. We've spent in this process monies in areas where I voted against, I came in here with the concept that I didn't want to vote for anything that would increase the estimated sales tax, but the reality is that these positions are needed. And as was said by Legislator Schneiderman, we should move forward on this. I don't think that to say to a department, "You can't handle positions, therefore we're not going to give them to you," is a legitimate argument for voting against what I think we need in this County and I think these positions will go a long way towards alleviating the needs that Legislator Tonna addressed. So I'm going to vote for this, Legislator Tonna.

LEG. TONNA:

Thank you.

LEG. MONTANO:

I want to thank you so much for bringing that forward, you've changed my mind in the middle of the process and hopefully the others will join.

D.P.O. CARPENTER:

Thank you. And I think, Ladies and Gentlemen, you're seeing the Legislature at its best. Legislator Tonna.

LEG. TONNA:

I just want to •• one point is that obviously some people haven't paid attention to one of the details. The easiest ••

LEG. BISHOP:

Count the votes, you're going to see it at its worst.

LEG. TONNA:

The easiest thing is just to understand that six of the positions advocated in this are Senior Caseworkers, they don't need any supervision. We're not talking about hiring 69 people who are all going to come •• you know, we're talking about Child Support Specialist Trainees, we're talking about people who can train. So, you know, just say it what it is, you don't want to do it, you made a deal, fine, you made a deal. It's the eleventh hour, although the committee, the Health & Human Services Committee was advocating for these positions from day one in the budget process and when it was appropriate which was at our budget hearings we advocated for this. So all I could say is we're talking about positions that are senior level positions that don't even need supervision, you know how things work, all right? And we're talking about trainee positions, people who are supposed to train people to accept these positions. So don't give me anything about, you know, we're going to be waiting for •• you know, we need to absorb these people, the Commissioner of Social Services said she can do it, that's all you needed, she testified to it, she can do it, she needs the positions. She wasn't saying, "No, don't give me too many positions right now because I can't handle them," that's just disingenuous. Thank you.

D.P.O. CARPENTER:

Thank you, Legislator Tonna. I believe that is all the speakers. I would •• we have a motion?

MR. BARTON:

Yes.

LEG. CARACCILOLO:

Second.

D.P.O. CARPENTER:

Legislator Tonna made the motion and Legislator Caracciolo made the second.

LEG. SCHNEIDERMAN:

No, I seconded it.

D.P.O. CARPENTER:

Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. TONNA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. O'LEARY:

Pass.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

Abstain.

LEG. BINDER:

No.

LEG. COOPER:

Abstain.

LEG. CARPENTER:

Yes.

LEG. TONNA:

There's never going to be a pet bill I ever vote for.

P.O. CARACAPPA:

Yes, absolutely.

LEG. O'LEARY:

No.

MR. BARTON:

Nine.

LEG. TONNA:

Thank you. Thank you for the nine. Thank you for seven of you who really thought about it, thank you.

LEG. BISHOP:

Thank you for showing up finally.

LEG. CARACCILOLO:

Mr. Chairman?

LEG. TONNA:

I'm at my committee meetings.

P.O. CARACAPPA:

Moving on to Budget Amendment 20. You want to be recognized, Legislator Caracciolo?

LEG. CARACCILOLO:

Yes, please.

CHAIRPERSON CARPENTER:

I recognize you.

LEG. CARACCILOLO:

I'd like to make a motion •• well, I can't do it, if you want to reconsider a budget amendment that failed it has to be made by someone from the prevailing ••

LEG. TONNA:

You know what? I'm going to make a motion to reconsider the budget amendment.

LEG. CARACCILO:

16.

LEG. TONNA:

I have somebody who's sympathetic to my causes, I'm going to be sympathetic to villages. I make a motion to reconsider ••

LEG. CARACCILO:

Budget Amendment 16.

LEG. TONNA:

•• Budget Amendment 16.

LEG. CARACCILO:

Thank you.

LEG. TONNA:

Thank you for, you know, your thinking.

LEG. CARACCILO:

You're welcome.

P.O. CARACAPPA:

Legislator Tonna, was that what you were going to •• because the floor was kind of robbed there for a second. So there's a motion to reconsider••

LEG. TONNA:

Budget Amendment 16.

P.O. CARACAPPA:

•• Budget Amendment 16. Is there a second?

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed?

LEG. BISHOP:

Opposed.

P.O. CARACAPPA:

I'll oppose.

LEG. BISHOP:

I ask for a roll call.

P.O. CARACAPPA:

Roll call on the reconsidering.

LEG. BISHOP:

And I'd also •• on the motion. I don't think that we should ••

P.O. CARACAPPA:

On the motion to reconsider.

LEG. BISHOP:

I don't think we should reconsider and I don't think that we should be adding items to the budget. I think that we had an excellent process that we should have the discipline to adhere to. Legislators had through this process ample opportunity to address many different issues and did so with great alacrity, and to now take second, third and fourth bites at the apple is wrong I believe and I think that we should remember that as we move through these votes.

P.O. CARACAPPA:

Thank you. There's a motion and a second to reconsider. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Abstain.

P.O. CARACAPPA:

No.

MR. BARTON:

Seven.

P.O. CARACAPPA:

It fails.

Moving on to ***Budget Amendment 20 (Deletes \$35,000 from the Long Island Regional Planning Board to conduct an evaluation of EMHP)***. Motion by Legislator O'Leary, second by Legislator Foley.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

On the motion.

LEG. FOLEY:

Mr. Chairman, my name as cosponsor is incorrect, I had not asked to be a cosponsor of this bill.

P.O. CARACAPPA:

Okay, please delete Legislator Foley's name as a cosponsor and he's not making the second either, correct?

LEG. FOLEY:

Right.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by myself.

LEG. FOLEY:

Explanation.

LEG. MYSTAL:

On the motion.

LEG. O'LEARY:

Mr. Chair?

P.O. CARACAPPA:

On the motion, Legislator O'Leary.

LEG. O'LEARY:

Yeah, in effect what this does is just delete the \$35,000 that was appropriated to be funded last year for a study and evaluation of EMHP which in the opinion of this sponsor is totally uncalled for and unnecessary. The individual charged with supposed to have been evaluating EMHP is fully aware of the practices and functions of that particular entity and I believe this money is misspent and misused.

P.O. CARACAPPA:

Thank you. Legislator Mystal.

LEG. MYSTAL:

It is my understanding that the study is already in progress, has been in progress for a while. Ben •• Mr. Presiding Officer, can I ask Ben? Ben, on Amendment No. 20 which is the EMHP study, I understand that it's already in progress?

MR. ZWIRN:

That's correct.

LEG. MYSTAL:

And to delete the money from it would stop that process completely dead in its track?

MR. ZWIRN:

If we go to an RFP process it would be six months down the road before we even get started again.

LEG. O'LEARY:

On that point.

P.O. CARACAPPA:

Hold on. Legislator Mystal, you have the floor?

LEG. MYSTAL:

Go ahead.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

My point was it's totally irrelevant and unnecessary to even conduct the study and evaluation, I was opposed to it from the get•go and I'm still opposed to it.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

If they were under way right now then they'd obviously be funded already, so this is going to double fund something that has already been funded.

MR. ZWIRN:

No, they'll stop, the process will ••

LEG. ALDEN:

Where did they get the money to fund the initial part of this then?

MR. ZWIRN:

I don't know.

P.O. CARACAPPA:

Basically this was a good faith effort, a good faith agreement that you start the study and we'll fund it when the time is ••

MR. ZWIRN:

I'm not sure if that's the way it ••

P.O. CARACAPPA:

I'm not saying that's the case, I'm just asking.

MR. ZWIRN:

I don't know.

P.O. CARACAPPA:

Okay. There's a motion and a second. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Pass.

LEG. CARACCIOLO:

Pass.

LEG. SCHNEIDERMAN:

Pass.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes. Oh, no; abstain, abstain, abstain.

P.O. CARACAPPA:

Abstain by Legislator Tonna.

LEG. TONNA:

This is why you have it. Abstain; absolutely, unequivocally abstain.

P.O. CARACAPPA:

We got it.

(*Roll Call Continued by Mr. Barton • Clerk*)

LEG. COOPER:

No.

LEG. CARPENTER:

Yes.

LEG. CARACCILO:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

MR. BARTON:

Eight.

P.O. CARACAPPA:

You didn't have my vote.

MR. BARTON:

Oh, Legislator Caracappa, I'm sorry.

P.O. CARACAPPA:

Abstain.

MR. BARTON:

Seven.

P.O. CARACAPPA:

Okay, ***Budget Amendment No. 20 fails.***

Okay, this next one is a supplement to the County Executive's budget.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

I recognize Legislator Binder.

LEG. BINDER:

I have Resolution No. 22 that was handed out?

P.O. CARACAPPA:

Oh, okay, ***22 is before you (Transfer funds from overtime to employee training to have Police Officers INS certified).***

LEG. BINDER:

I make a motion on ••

P.O. CARACAPPA:

There's a motion by Legislator Binder ••

LEG. CARACCILO:

Explanation.

P.O. CARACAPPA:

•• on 22, I'll second it. The explanation is I believe ••

LEG. BISHOP:

What happened to the last one?

LEG. MYSTAL:

We haven't done it yet.

P.O. CARACAPPA:

There's a deputization proposal by the County Executive, Legislator Binder feels that this funding would be used for training and certification for that process if it were to be adopted or put into place by the County Executive.

LEG. CARACCILO:

Mr. Chairman?

P.O. CARACAPPA:

I recognize Legislator Binder first; did you want to be recognized?

LEG. BINDER:

No, I'll wait.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILO:

Just with regard to the program and what I read in the newspaper. Counsel, Mea, could you advise, there was I believe a quote in the newspaper with regard to this matter by an administrative official that this program did not need any Legislative approvals, that the

Executive had the discretion to implement it on its own?

MS. KNAPP:

I do believe that the County Executive has the ability to implement this program so long as the funding is available.

LEG. CARACCILO:

Very good. Thank you.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

I'm going to oppose this resolution because I oppose the program, I think it's ill•advised and I think it certainly puts us on a slippery slope here with our behavior toward individuals who live in our County and it sends an unfortunate message to the people of Suffolk County. And so certainly I believe that this •• if you're going to respect individuals, we had a long discussion about respecting the rights of our children, let's respect the rights and the ability to exist in Suffolk County of all people so that we don't have profiling and alienation of people who will be afraid of our Police Department who won't see our police as protestors and friends but rather as enemies. And we certainly don't want to have that kind of attitude in our County, it would be the only County in the United States where we are using this ability to target a broad swath of individuals and communities and it certainly is detrimental to who we are.

LEG. TONNA:

Put me on the list, please.

P.O. CARACAPPA:

Legislator Montano, Binder, Tonna

LEG. TONNA:

Who's next, me?

P.O. CARACAPPA:

No.

LEG. MONTANO:

We have been down this road a number of times and it's very clear that this bill and the message it sends is really the wrong message for Suffolk County. This is a debate that's going to go on and on for a while, unfortunately, and it's my position that the mere debate effects negatively a certain segment of our community unfairly, inappropriately, it leads to just people being polarized, people being afraid, a particular community that's being afraid to deal with the police. And I've spoken with a number of police officials and nobody wants this, I think we ought to send this back where it belongs. And I think that we should just at this point vote it down and resolve this issue and put it to bed once and for all; unfortunately it keeps rearing its ugly head and I think we need to just send it back immediately.

P.O. CARACAPPA:

Thank you. Legislator Tonna.

LEG. TONNA:

Thank you. Let me start by saying, first of all, the resolution, there is no INS anymore, it's the office, the ICE, the Immigration and Customs Enforcement, okay, under the Homeland Security. But with that being said, this is totally unnecessary. First of all, we're closing sector cars in our precincts, okay, that's what we're doing. I know in the 2nd Precinct there are sector cars being closed at nights, and yet we're going to use police resources and money and everything else to basically go after people for what, over whether they're documented or undocumented. Why do I say that? This is going beyond those people who are felonies. You don't need to deputize or train a police officer if it doesn't have anything to do with naturalization issues. Why? Because right now they can go after the felon, whoever they are, whether they have documents or not. Look at what we're doing down the road when we're deputizing these people, training them as ICE, by the way not INS.

Then we have an issue of now we're going to round these people up, okay, how we're going to round them up, how we're going to detain them. Now we're talking about money, now we detain them, everybody knows that Federal Magistrates that have to deal with this, you know, they're not comfortable dealing with it, now we're talking about waiting periods. We have overcrowded jails as it is now. And somebody, all right, somebody who happens to be undocumented, you know, what crime is that in comparison to the gangs and everything else that, you know, our police right now are fighting? They're fighting real crime. You ask any police

officer, all right, off the record, they're going to tell you this is a disaster. The one thing, and I think that everybody would agree here whether you fall on one side or the other side of the politics, you know, the issue, things of documented laborers, large groups working in communities, would be the professionalism of our police force, right? Everybody agrees that maybe one of the reasons why it isn't as bad as it could be in Farmingville is because of the professionalism of our Suffolk County Police Officers. They built a rapport with the community there, they get information, they're able now when there's somebody who's a felon they're able to, you know, get cooperation. The minute, the minute that you say everybody is a possible target, that cooperation goes away and now it's us against them. This is dangerous for public safety, it's putting a gasoline can, all right, on already a volatile situation.

So I would ask people to think very carefully and clearly, all right, about training and providing money for training people to do a Federal job that our own President says doesn't •• the laws and the enforcement doesn't work. We should be worrying about real crime, there should be more of an outcry about the closing of our sector cars than taking vital police resources right now and moving it to something that is really •• this is an ideological bend, all right? And I'm very disheartened to find out that the County Executive thinks that he can do this unilaterally, all right, that he can just go ahead and do this thing. And you know it's not about the felons, it's not about getting criminal felons, all right, undocumented criminal felons because they don't need any additional powers. By deputizing the PD you're not increasing their power to respond to criminal activity by undocumented persons, the PD has the power now to arrest those who commit crimes and report them to the IN •• the ICE. Will there be •• will we be in the business of detaining undocumented workers solely because they're undocumented? Being an undocumented worker is a violation of Federal civil status, most Police Departments are not eager to get involved in these civil issues. I would think very carefully for the devil that you don't know in choosing the devil that you do.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Mr. Chairman, I'd like Mr. Zwirn to come up. Ben, before you entered the room I had mentioned a few minutes ago that I read in the newspaper about this initiative ••

MR. ZWIRN:

I heard your comments.

LEG. CARACCILO:

Okay. My question really pertains to the budget amendment; have you had an opportunity to look at it?

MR. ZWIRN:

Yes.

LEG. CARACCILO:

Do you know what the offset is?

MR. ZWIRN:

It was police overtime.

LEG. CARACCILO:

Oh, my goodness. And I have to imagine the Executive supports this resolution?

MR. ZWIRN:

Let me say this.

LEG. CARACCILO:

No, does he or not?

MR. ZWIRN:

This resolution is not necessary for the County Executive to go forward with his program.

LEG. CARACCILO:

Okay, so the sponsor should withdraw it.

MR. ZWIRN:

This is not the County Executive's.

LEG. CARACCILOLO:

No, I understand, but you're making the statement that the Executive says we don't need the money, that ends the debate right now as far as I'm concerned.

MR. ZWIRN:

Okay.

LEG. CARACCILOLO:

And I would ask the sponsors to withdraw it.

LEG. BINDER:

No.

LEG. CARACCILOLO:

Okay. Then I would like to know how they're going to vote on a budget amendment that all day they said we shouldn't be supporting, raiding the police overtime, at least not for police ••

LEG. BINDER:

(Inaudible).

LEG. CARACCILOLO:

Not for the police departments on the east end.

P.O. CARACAPPA:

I never said that.

LEG. BINDER:

I never said that.

LEG. CARACCILOLO:

No, no, no, no, I know you didn't say it and you didn't say it, Joe, others have said it and I'm going to be watching very carefully how they vote on this, not for ideological reasons but for financial reasons to see if there's consistency. Because one of the things in this Legislature that happens too frequently is people are inconsistent, they're all over the lot. Now, how do you

justify a square? Taking \$500,000 for police overtime for a program, a brand new program, yet you deny the same law enforcement authorities in this County and towns and villages to carry out their primary job functions.

LEG. MYSTAL:

I agree.

LEG. CARACCIOLO:

Thank you, Elie. Thank you, Mr. Chairman.

P.O. CARACAPPA:

You're welcome. Legislator Binder and then we're going to vote.

LEG. BINDER:

Thank you. As painful, Ben, as this is again •• no, you don't have to stand there, we're going to go through another painful exercise as I did in the Budget Committee during the budget.

P.O. CARACAPPA:

He's going to agree with the County Executive.

LEG. BINDER:

Yes, I'm going to, as it goes through the throat, the pain is palpable.

LEG. BISHOP:

It's like a callous that's developing.

LEG. BINDER:

It is, it's like a callous, it hurts. But I'm ••

LEG. TONNA:

Callous is the word.

LEG. BINDER:

I am going to commend the County Executive for taking a very difficult position, public position, and I think he's doing the right thing here. We have police officers now who could hear

someone yelling, "Stop thief" out of a stationery store and someone steals a pack of bubble gum and they're out there and they can actually detain that person because they have reasonable cause to think that that person stole bubble gum. I'm not talking about murder, I know, we heard that, the police have bigger things to do, huge things to do and if they do one more thing they're not going to be able to do their job because they have all these big things to do. Well, the truth is if they're outside that stationery store and the kid or someone shoplifts and they're running out and the owner yells, they can detain that person because an illegal activity was commenced, possibly, and then they can try to deal with that. But right now there are people who committed an illegal activity, not as Federal civil status kind of thing. What we've been trying to do and it seems society tries to do is we kind of say, "Well, there's one crime in the country that we don't really want to deal with, we don't really think it's a crime," well it is a crime but we won't call it a crime. The fact is that it violates Federal Law to enter the country, we have Federal Law that doesn't allow people to enter the country unless they come in through a particular process and that's how we can control who is here, how they're here, especially in times of questions of Homeland Security. And so we can control that and we've always tried to control that, that's why we had a process even at Ellis Island, it was a process and a decision that the government makes on how many people and how they're going to come in and how we're going to let them in. And if it wasn't illegal, why would we even have border patrol; if it's not illegal then why have a border patrol? Now, it was said that our President doesn't really care, doesn't think it works; well, that's not true because he's increased that border patrol over his four year term, he's significantly increased border patrol. Why? Because he's trying to stop an illegal activity, that is entering the country when not a citizen without the permission of that country, staying here illegally. And so unfortunately, because it's not a local crime or a State crime, it's a Federal crime, there is only one group of people at a Federal level that's allowed to deal with it.

I think now the County Executive has said it is not enough for Suffolk County to keep saying we can't do something when the County Executive has figured out we can. He figured out the law does provide us a method to deal with the problem within Suffolk County. And you know what? Once we know that we can deal with it, once we know we have a mechanism, we have a responsibility to do that and the County Executive has taken a very, very difficult stand and saying that he will use that mechanism to deal with the problem. We should provide the funding, make sure the funding is there, segregate it, it should be available so when the County Executive is ready to train these people and get them certified the money should be available and we should go forward. So I hope we can get this passed today.

P.O. CARACAPPA:

Thank you. There's a motion and a second. All in favor? Opposed?

(* Opposed said in Unison*)

LEG. TONNA:

Roll call.

P.O. CARACAPPA:

Roll call.

(* Roll Called by Mr. Barton • Clerk*)

LEG. BINDER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. CARACCILO:

Abstain.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Pass.

LEG. FOLEY:

I don't no.

LEG. LINDSAY:

(Not Present).

LEG. MONTANO:

No.

LEG. ALDEN:

Abstain.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Abstain.

LEG. MYSTAL:

No.

LEG. TONNA:

No.

LEG. COOPER:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. LOSQUADRO:

Abstain.

LEG. LINDSAY:

(Not Present).

MR. BARTON:

Four.

P.O. CARACAPPA:

Thank you.

LEG. TONNA:

Thank you.

P.O. CARACAPPA:

Last item, ***IR 1927***, this is the supplement part of the budget, it takes 14 votes (***Budget Supplement No. 1 to the 2005 Recommended Operating Budget***). Motion by myself, second by Legislator Foley. All in favor.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Just Budget Review, could you give us a quick overview of this?

MR. SPERO:

This resolution passes the expenditure cap to appropriate \$65.8 million for retirement, appropriations for the retirement bill that will be coming due on February 1st of 2005; there's no tax effect.

P.O. CARACAPPA:

Okay? All in favor?

LEG. CARACCILO:

One more item.

LEG. BINDER:

This is not on the budget.

LEG. CARACCIOLO:

No, just to discharge it, I want to get it on the floor ••

P.O. CARACAPPA:

We're finishing a vote here, Mike.

LEG. CARACCIOLO:

Oh, I apologize.

P.O. CARACAPPA:

It's okay. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

Opposed is ••

LEG. CARACCIOLO:

Oh, no, I wasn't opposed.

P.O. CARACAPPA:

You're not opposed to the last piece of the budget?

LEG. CARACCIOLO:

Wait, the supplement yes.

P.O. CARACAPPA:

Yes. Two oppositions.

LEG. CARACCILO:

He's doing his job.

P.O. CARACAPPA:

I'm trying to keep everyone aware of what's going on here.

MR. BARTON:

Mr. Chairman, the second opposition was?

P.O. CARACAPPA:

Legislator Alden.

MR. BARTON:

Alden and ••

P.O. CARACAPPA:

And Caracciolo.

MR. BARTON:

Caracciolo, thank you. 15.

P.O. CARACAPPA:

Now hopefully someone will tell me what's going on soon.

Okay, there's a motion to ••

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

There's a motion to discharge by Legislator Binder Resolution 2077.

LEG. BINDER:

Can I do two in one motion to discharge?

P.O. CARACAPPA:

And 1977?

LEG. BINDER:

And 1977, both of those.

P.O. CARACAPPA:

These are just motions to discharge ••

LEG. BINDER:

Yes.

P.O. CARACAPPA:

•• leave on the floor and not to vote on them.

LEG. CARACCIOLO:

Correct.

P.O. CARACAPPA:

So they're on the agenda for the 16th meeting.

LEG. CARACCIOLO:

Yes, sir.

P.O. CARACAPPA:

Okay, and they're just contract agency stuff. There's a motion to discharge for the purposes of laying on the table for the 16th General Meeting Resolution 1977 and 2077. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

MS. BURKHARDT:

They're already laid on the table, we're just discharging them from committee.

P.O. CARACAPPA:

Right, we're discharging them from committee to be on the table for the 16th, they will be on the agenda.

Motion to waive the rules and lay on the table the following late starters; 2084 to Health & Human Services; 2085 to Ways & Means and set the public hearing at the General Meeting on the 16th at 2:30 in Hauppauge; 2086 will go to Budget & Finance; 2087 will go to Ways & Means. There's a motion and a second to waive those rules and lay those bills on the table and set that public hearing. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

Finally, Ladies and Gentlemen, I'm just giving the opportunity to thank the Budget Review Office for another splendid job.

LEG. TONNA:

Excellent job.

[Applause]

P.O. CARACAPPA:

The entire staff at Budget Review, Counsel's Office and all the staff at Counsel's Office for working in conjunction with the Budget Office, thank you for an excellent job, we appreciate the hours you put in over the last couple of weeks. Also, I'd like to personally thank the working group who put in the hours, as always, and put together a great amendment in Omnibus. And to all the Legislators, especially the newer ones like Legislator Schneiderman and Losquadro who took a real interest in the budget and usually freshman Legislators don't, they're usually overwhelmed by it and they stay away from it and they took a real interest and participated, so I thank them. And to all the people who were always there like Legislator Carpenter and Bishop, my thanks to you during this amendment process, and Legislator Binder of course. So I recognize Legislator Bishop.

LEG. BISHOP:

Yeah, I wanted to just make briefly some similar statements. I think we did really good work here and what we're giving the taxpayers of Suffolk County is a proactive budget, we're in front of issues like future budgets with our tax stabilization, what we did with the pensions is tremendous. We're even paying in advance heat, power and light costs and we've restored pay •as•you•go programs which are particularly important. We're reducing General Fund taxes, we kept the Police District under 4%, we're addressing community needs in a fair process without favoritism, we have increased our commitments to health care, to land preservation, to affordable housing, to finding alternatives to incarceration for better ambulance response times, for a host of issues that we all care about because we care about the people of Suffolk. And the process that we did this in was an excellent one. It starts with a good budget from the County Executive that we made better because of the work of BRO and the work group, we had little rancor, every voice was heard in this process, compromises were reached and in the end we have a balanced, proactive, taxpayer friendly budget and I want to thank everybody who was involved, particularly you, Mr. Presiding Officer.

LEG. TONNA:

Good going, Joe.

P.O. CARACAPPA:

Thank you, Legislator Bishop. I appreciate that. Legislator Alden.

LEG. ALDEN:

I just would like to make a quick statement and thank Legislator O'Leary, he stepped in in a tough position, he has really, I think, done a great job, a yeoman's job under a lot of pressure and I just would like to extend my thanks for his really concern and his work over this process.

P.O. CARACAPPA:

Is there any other business to come before the Legislature?

Hearing none, we are adjourned.

[THE MEETING WAS ADJOURNED AT 2:51 P.M.]

